



Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication or material appearing in the **FEDERAL REGISTER**.

Telephone information: District 0525.

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—		Page
Continued.		
Salt Lake City, Utah; removal of ash, debris, etc. (MPR 165, Supp. Service Reg. 3)	8563	
Shellac (MPR 245)	8556	
SECURITIES AND EXCHANGE COMMISSION:		
Hearings, etc.: Central Ohio Light and Power Co	8572	
Electric Bond and Share Co., et al.	8571	
WAR COMMUNICATIONS BUREAU:		
Federal-State Market News Service, exemption	8563	
WAR DEPARTMENT:		
Priorities for air transportation; civil air carrier service utilization	8565	
Enemy aliens subject to travel regulations	8565	
Enlisted Reserve Corps, suspension of enlistments, etc.	8541	
Warrant officers, appointment	8541	
WAR MANPOWER COMMISSION:		
Non-ferrous metals and lumbering activities employment stabilization plan; interpretation	8572	
WAR PRODUCTION BOARD:		
Lumber, Douglas fir (L-218)	8549	
Rattan (M-248)	8548	
Suspension orders: Guthrie's Mattress Co.	8547	
Patrick and Moise-Klinkner Co.	8548	
Rutkin Electrical Sales Co.	8547	
Tubes, collapsible (M-115, Am. 1)	8549	
WAR SHIPPING ADMINISTRATION:		
Agents, compensation; amendments	8565	

product or service: § 3.6 (x) Advertising falsely or misleadingly—Results. In connection with offer, etc., of cosmetic preparations, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said cosmetic preparations, which advertisements represent, directly or through inference, (1) that any of respondent's said preparations containing vitamins A and D have any therapeutic value when applied to the skin or have any effect upon the appearance of the skin beyond the emollient, soothing, and cleansing action of ordinary cosmetic cream preparations; and (2) that the presence of vitamins A and D in respondent's cosmetic preparations gives such preparations special properties over and above those of ordinary cosmetic creams, or that the use of such creams, because of such vitamin content, will have any beneficial effect in keeping the facial skin firm and smooth or the hands soft, smooth, and white, or have any effect in relieving dryness of the skin, promoting glowing skin, or retarding the appearance of age; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Montgomery Ward & Company, Inc., Docket 4728, October 12, 1942]

§ 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product or service: § 3.96 (a) Using misleading name—Goods—Qualities or properties. In connection with offer, etc., of cosmetic preparation, and among other things, as in order set forth, using the words "Tissue Cream" or any other words of similar import or meaning to designate or describe any cosmetic preparation, or representing through any other means or device, that respondent's cosmetic preparations have therapeutic value in treating or nourishing the tissues of the skin; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Montgomery Ward & Company, Inc., Docket 4728, October 12, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between counsel for the respondent herein and Richard P. Whiteley, Assistant Chief Counsel, for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein, findings as to the facts and conclusions based thereon, and an order disposing of the proceedings; and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Montgomery Ward & Company, Inc., a

corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of cosmetic preparations, do forthwith cease and desist from:

(1) Disseminating, or causing to be disseminated, any advertisement by means of United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,

(a) That any of respondent's cosmetic preparations containing vitamins A and D have any therapeutic value when applied to the skin or have any effect upon the appearance of the skin beyond the emollient, soothing, and cleansing action of ordinary cosmetic cream preparations,

(b) That the presence of vitamins A and D in respondent's cosmetic preparations gives such preparations special properties over and above those of ordinary cosmetic creams, or that the use of such creams, because of such vitamin content, will have any beneficial effect in keeping the facial skin firm and smooth or the hands soft, smooth, and white, or have any effect in relieving dryness of the skin, promoting glowing skin, or retarding the appearance of age;

(2) Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondent's cosmetic preparations in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph (1) hereof and the respective subdivisions thereof;

(3) The use of the words "Tissue Cream" or any other words of similar import or meaning to designate or describe any cosmetic preparation, or representing through any other means or device, that respondent's cosmetic preparations have therapeutic value in treating or nourishing the tissues of the skin.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10660; Filed, October 22, 1942;
11:10 a. m.]

[Docket No. 4089]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CHICAGO TECHNICAL COLLEGE

§ 3.6 (i) Advertising falsely or misleadingly—Free goods or service: § 3.6 (dd) Advertising falsely or misleadingly—Special or limited offers: § 3.72 (e) Offering deceptive inducements to purchase—Free goods: § 3.72 (g) Offering deceptive inducements to purchase—Limited offers or supply. In

connection with offer, etc., in commerce, of correspondence courses of study and instruction, and among other things, as in order set forth, representing directly or by inference, (1) that any service or commodity, the cost of which is included in the purchase price of any other service or commodity, is "free", either by the use of the term stated or any other term or terms of similar import or meaning; and (2) that respondent's correspondence courses are offered to only a limited number of persons, or that the number of persons who will be enrolled for such courses is limited; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Chicago Technical College, Docket 4089, October 12, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Connections or arrangements with others:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Reputation, success or standing.* In connection with offer, etc., in commerce, of correspondence courses of study and instruction, and among other things, as in order set forth, representing directly or by inference, that respondent is a recognized or accredited school, without disclosing in immediate connection therewith, in a clear and conspicuous manner, the nature and extent of such recognition or accreditation and the application thereof to its correspondence courses; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Chicago Technical College, Docket 4089, October 12, 1942]

§ 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee:* § 3.72 (i) 5 *Offering deceptive inducements to purchase—Opportunities in product or service.* In connection with offer, etc., in commerce, of correspondence courses of study and instruction, and among other things, as in order set forth, representing directly or by inference, (1) that upon completion of respondent's correspondence courses individuals are insured or otherwise made certain of employment, promotion, or success; (2) that upon completion of its correspondence course in drafting individuals will be qualified thereby as experienced or expert draftsmen, or qualified for top-ranking drafting positions handling the more intricate or difficult drafting work; and (3) that upon completion of its correspondence course in air-conditioning and refrigeration individuals will be qualified thereby for top-ranking positions in air-conditioning and refrigeration handling the more intricate and difficult air-conditioning or refrigeration work; prohibited. (Sec. 5, 38 Stat.

719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Chicago Technical College, Docket 4089, October 12, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before an examiner of the Commission theretofore duly designated by it, and briefs filed herein, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Chicago Technical College, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of correspondence courses of study and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by inference:

1. That any service or commodity, the cost of which is included in the purchase price of any other service or commodity, is "free," either by the use of the term stated or any other term or terms of similar import or meaning;

2. That respondent's correspondence courses are offered to only a limited number of persons, or that the number of persons who will be enrolled for such courses is limited;

3. That respondent is a recognized or accredited school, without disclosing in immediate connection therewith, in a clear and conspicuous manner, the nature and extent of such recognition or accreditation and the application thereof to its correspondence courses;

4. That upon completion of its correspondence courses individuals are insured or otherwise made certain of employment, promotion, or success;

5. That upon completion of respondent's correspondence course in drafting individuals will be qualified thereby as experienced or expert draftsmen, or qualified for top-ranking drafting positions handling the more intricate or difficult drafting work;

6. That upon completion of respondent's correspondence course in air-conditioning and refrigeration individuals will be qualified thereby for top-ranking positions in air-conditioning and refrigeration handling the more intricate and difficult air-conditioning or refrigeration work.

It is further ordered, That respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 10661; Filed, October 22, 1942;
11:10 a. m.]

[Docket No. 4557]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MALONE & MOLES

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of respondent's mechanical "Gas-Miser", or other similar device, representing that such device (1) will supercharge an automobile engine, or increase the power, speed, or pep of an automobile; (2) increases mileage, saves upkeep, or saves gasoline or oil; (3) provides easier starting or quicker pickup; (4) reduces the thinning-out process in the cylinder oil, or eliminates cylinder wash; (5) lengthens the life of an automobile engine or provides a smoother running car; (6) eliminates carbon or waste; (7) distributes gas vapors evenly to all cylinders of an automobile engine; and (8) solves motoring problems; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Malone & Moles, Docket 4557, October 12, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1942.

In the Matter of E. B. Moles, Individually and Trading Under the Name of Malone & Moles.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, E. B. Moles, individually and trading under the name Malone & Moles, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's mechanical device designated "Gas-Miser," or any other device of substantially similar construction, whether sold under the same name or under any other name, do forthwith cease and desist from representing:

1. That said device will supercharge an automobile engine, or increase the power, speed, or pep of an automobile.

2. That said device increases mileage, saves upkeep, or saves gasoline or oil.

3. That said device provides easier starting or quicker pickup.

FEDERAL REGISTER, Friday, October 23, 1942

TITLE 30—MINERAL RESOURCES
Chapter III—Bituminous Coal Division
 [Dockets Nos. A-1680 and A-1624]

PART 323—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 3**ORDER GRANTING RELIEF, ETC.**

Order of consolidation and order granting temporary relief and conditionally providing for final relief in the matter of the petitions of Thomas, Mullins, Steorts Coal Co. and District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and it appearing that a reasonable showing of necessity has been made for the service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.
 [SEAL] OTIS B. JOHNSON,
 Secretary.

[F. R. Doc. 42-10662; Filed, October 22, 1942;
 11:10 a. m.]

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

4. That said device reduces the thinning-out process in the cylinder oil, or eliminates cylinder wash.

5. That said device lengthens the life of an automobile engine or provides a smoother running car.

6. That said device eliminates carbon or waste.

7. That said device distributes gas vapors evenly to all cylinders of an automobile engine.

8. That said device solves motoring problems.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.
 [SEAL]

OTIS B. JOHNSON,
 Secretary.

[F. R. Doc. 42-10662; Filed, October 22, 1942;
 11:10 a. m.]

(General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 30, 1942.
 [SEAL] DAN H. WHEELER,
 Director.

granting of temporary relief in the manner hereinafter set forth; and No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That the above-entitled matters are herein consolidated.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (Alphabetical list of code members) is amended by adding thereto Supplement R-I and R-IV, § 323.8 (Special prices—(b) Railroad fuel prices for all movements except via lakes) is amended by adding thereto Supplement R-II and R-V, § 323.8 (Special prices—(c) Railroad fuel prices for movement via all lakes—all ports) is amended by adding thereto Supplement R-III and R-VI, and § 323.23

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

FOR ALL SHIPMENTS EXCEPT TRUCK**§ 323.6 Alphabetical list of code members—Supplement R-I**

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.										
							1	2	3	4	5	6	7	8	9	10	11
435	Alpena Coal Company c/o A. R. Steele...	Alpens #1 (S)	Sewell	Bowden, W. Va.	W.M.	33	A	A	A	A	A	A	A	A	A	A	A
433	Factory Coals, Inc.	Factory Mine #1 (S)	Pittsburgh	Everson, W. Va.	B&O	61	DE	DE	DE	DE	DE	DF	DF	DF	DF	DF	DF
434	Home Construction Company, The.....	Factory Mine #2 (S)	Pittsburgh	Eversen	B&O	62	F	F	F	F	F	F	F	F	F	F	F
-1387	Katherine Coal Mining Company.....	Katherine #1 (S)	Pittsburgh	Kaylor Sliding, W.	B&O	63	F	F	F	F	F	F	F	F	F	F	F
1382	Katherine Coal Mining Company.....	Katherine #2 (S)	Pittsburgh	Lambertport, W. Va.	B&O	64	F	F	F	F	F	F	F	F	F	F	F
1383	Katherine Coal Mining Company.....	Katherine #3 (S)	Pittsburgh	Lambertport, W. Va.	B&O	65	F	F	F	F	F	F	F	F	F	F	F
1384	Katherine Coal Mining Company.....	Katherine #4 (S)	Pittsburgh	Lambertport, W. Va.	B&O	66	F	F	F	F	F	F	F	F	F	F	F
1385	Provin's A. A.	Provin's #2.....	Pittsburgh	Morganstown, W. Va.	Monong.	67	F	F	F	F	F	F	F	F	F	F	F
1386	Queen, Carl L.	Queen #1.....	Pittsburgh	Bedstone	B&O	68	F	F	F	F	F	F	F	F	F	F	F
1388	Thomas, Mullins, Steorts Coal Company (P. W. Thomas)	Quinn #2.....	Pittsburgh	Byron, W. Va.	B&O	69	G	G	G	G	G	G	G	G	G	G	G

(f) Indicates no classifications effective for these size groups.

§ 323.8 Special prices (b) railroad fuel prices for all movements except via lakes—Supplement R-II.

For railroad fuel prices add these mine index numbers to the respective groups

§ 323.8 Special prices—(c) Railroad fuel prices for movement via all lakes—all ports—Supplement R-III.

For railroad fuel prices add these mine index numbers to the respective groups

set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 430, 433, 434, 1382, 1383, 1384, 1385, 1386, 1387; Group No. 2, 1388; Group No. 5: 435.

§ 323.6 Alphabetical listing of code members—Supplement R-IV

[A] Alphabetical listing of code numbers having railway loading facilities, showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.														
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
181	Frances Fuel Company	Crone	Pittsburgh	Frances Mine, W. Va.	B&O.....	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
969	Frances Fuel Company	Davis	Pittsburgh	Frances Mine, W. Va.	B&O.....	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
357	Frances Fuel Company	Francois	Pittsburgh	Frances Mine, W. Va.	B&O.....	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
185	Frances Fuel Company	Saltwell	Pittsburgh	Frances Mine, W. Va.	B&O.....	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
916	Frances Fuel Company	Shaffer	Pittsburgh	Frances Mine, W. Va.	B&O.....	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
944	Frances Fuel Company	Vincent	Pittsburgh	Frances Mine, W. Va.	B&O.....	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
639	Rosedale Coal Co.	Rosedale #1-C	Pittsburgh	West Van Voorhis, W. Va.	Mongh....	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
*639	Rosedale Coal Co.	Rosedale #1-C	Pittsburgh	West Van Voorhis, W. Va.	Mongh....	62	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
1332	Rosedale Coal Co.	Rosedale #1-D (S)	Pittsburgh	Maldsville, W. Va.	Mongh....	62	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
*1252	Rosedale Coal Co.	Rosedale #1-D (S)	Pittsburgh	West Van Voorhis, W. Va.	Mongh....	62	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
1466	Yoland Coal Company, Yo Yoland, R.A.	Yoland (S)	Pittsburgh	Frances Mine, W. Va.	B&O.....	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
1318	Yoland Coal Company	Yoland #2 (S)	Pittsburgh	Frances Mine, W. Va.	B&O.....	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
1361	Yoland Coal Company	Yoland #3	Pittsburgh	Frances Mine, W. Va.	B&O.....	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	
1366	Yoland Coal Company	Yoland #4 (S)	Pittsburgh	Frances Mine, W. Va.	B&O.....	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	

(*) Indicates no classifications effective for these size groups.

(**) For River Shipments, mines with Index Nos. 639 and 1332 will take the same prices as mines with index numbers 54-100-113-118-121-127-132 shown in § 323.8(e) in Minimum Price Schedule for District No. 3. For Ex-River Shipments, mines with Index Nos. 639 and 1332 will take the same prices as mines with index numbers 54-100-106-110-119-121-127-130-132 shown in § 323.8(f) in Minimum Price Schedule for District No. 3.

§ 323.8 Special prices—(b) Railroad set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 57, 166, 181, 186, 639 (1), 910, 954, 999, 1318, 1352 (1), 1361, 1366.

§ 323.8 Special prices for all movements except via lakes—Supplement R-V.
For railroad fuel prices add these mine index numbers to the respective groups

§ 323.8 Special prices—(c) Railroad set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 57, 166, 181, 185, 639, 910, 954, 999, 1318, 1352, 1361, 1366. For railroad fuel prices add these mine index numbers to the respective groups

FEDERAL REGISTER, Friday, October 23, 1942

proceeding, the petitioner was informed that its original petition erroneous indicated that the Alaska Mine (Mine Index No. 300) was located in Subdistrict No. 2 (New River) of District No. 7 rather than in Subdistrict No. 1 (Greenbrier); and petitioner alleges that the coal to be produced at the Alaska Mine (Mine Index No. 300) will be similar to that produced at the Beelick Knob Mine (Mine Index No. 217), of the Standard Fire Creek Coal Company. The motion requests that the Order of the Acting Director dated June 26, 1942, be modified so as to correspond with the minimum prices and price classifications for Mine Index No. 217.

Upon the basis of the allegations of the motion, it appears that the prayer of said motion of petitioner should be granted. As the relief granted by Order of the Acting Director dated June 26, 1942, has become final, it is necessary, in order to grant said motion, that this order granting temporary relief and conditionally providing for final relief be issued. It further appears that the above-entitled matters should be severed, that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, that no petitions of intervention have been filed with this Division in the above-entitled matter, and that the following action is deemed necessary in order to effectuate the purposes of the Act:

Now, therefore, it is ordered. That Docket No. A-1500 be, and it hereby is, severed from Docket No. A-1494 and reopened.

[F. R. Doc. 42-10619; Filed, October 21, 1942; 11:52 a. m.]

[Docket Nos. A-1494 and A-1500]

**PART 327—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 7**

ORDER GRANTING RELIEF, ETC.

Order severing Docket No. A-1500 from

Docket No. A-1494 and order granting temporary relief and conditionally providing for final relief in the matter of the petitions of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

On June 26, 1942, 7 F.R. 5154, an order was issued consolidating the above-entitled matters and granting temporary relief and conditionally providing that such temporary relief should become final sixty (60) days from the date thereof, unless it should be otherwise ordered.

FOR TRUCK SHIPMENTS

§ 323.33 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index No.	Mine index No.	County	Seam	Size groups						
				1	2	3	4	5	6	7
Alpena Coal Company c/o A. R. Steele, Baker, David H., Jr.	435	Alpena #1 (S)	Sewell.....	Randolph..	248	248	223	223	213	193
Baker Coal Co. Factory Clas. Inc.	1376	Baker Coal Co. Factory Mine #1 (S) Factory Mine #2 (S)	Pittsburgh..	Braxton..	223	218	218	193	183	178
Home Construction Company, The	1387	Vulcan #2 (S)	Pittsburgh..	Harrison..	223	218	218	193	183	178
Katherine Coal Mining Company, The	1382	Katherine #1 (S)	Pittsburgh..	Harrison..	223	218	218	193	183	178
Katherine Coal Mining Company, The	1383	Katherine #2 (S)	Pittsburgh..	Harrison..	223	218	218	193	183	178
Katherine Coal Mining Company, The	1384	Katherine #3 (S)	Pittsburgh..	Harrison..	223	218	218	193	183	178
Murray, James	1379	Katherine #4 (S)	Pittsburgh..	Harrison..	223	218	218	193	183	178
Provins, A. A.	1386	Provins #2	M. V. Free-port, Murray	Monon-Galla-gans..	225	225	225	200	190	180
Queen, Carl L. Riley, Roscoe	1388 1372	Queen #1 Riley #4	Pittsburgh..	Upshur..	223	218	218	193	183	178
Thomas, Mullus, Steorts (P. W.) Coal Company (P. W. Mullins),	436	Quinn #2	Pittsburgh..	Preston..	225	225	225	200	190	180
				Harrison..	223	218	218	193	183	178

1/4", and 2", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

It is further ordered. That pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 327.11 (Low volatile coals; Alphabetical list of code members) and § 327.34 (General prices in cents per net ton for shipment into any market area) are amended by deleting therefrom Subdistrict No. 2 and the minimum prices and price classifications established for the Alaska Mine (Mine Index No. 300) by Order dated June 26, 1942, and by substituting therefor Subdistrict No. 1 and the price classifications and minimum prices set forth in the schedules marked Supplement R and Supplement T annexed hereto and hereby made a part hereof.

It is further ordered. That pleadings in opposition to the motion in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4-II (d) of the Bituminous Coal Act of 1937.

It is further ordered. That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

1/4", and 2", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

It is further ordered. That pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 327.11 (Low volatile coals; Alphabetical list of code members) and § 327.34 (General prices in cents per net ton for shipment into any market area) are amended by deleting therefrom Subdistrict No. 2 and the minimum prices and price classifications established for the Alaska Mine (Mine Index No. 300) by Order dated June 26, 1942, and by substituting therefor Subdistrict No. 1 and the price classifications and minimum prices set forth in the schedules marked Supplement R and Supplement T annexed hereto and hereby made a part hereof.

It is further ordered. That pleadings in opposition to the motion in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4-II (d) of the Bituminous Coal Act of 1937.

It is further ordered. That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

1/4", and 2", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

It is further ordered. That pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 327.11 (Low volatile coals; Alphabetical list of code members) and § 327.34 (General prices in cents per net ton for shipment into any market area) are amended by deleting therefrom Subdistrict No. 2 and the minimum prices and price classifications established for the Alaska Mine (Mine Index No. 300) by Order dated June 26, 1942, and by substituting therefor Subdistrict No. 1 and the price classifications and minimum prices set forth in the schedules marked Supplement R and Supplement T annexed hereto and hereby made a part hereof.

It is further ordered. That pleadings in opposition to the motion in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4-II (d) of the Bituminous Coal Act of 1937.

It is further ordered. That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

1/4", and 2", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

It is further ordered. That pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 327.11 (Low volatile coals; Alphabetical list of code members) and § 327.34 (General prices in cents per net ton for shipment into any market area) are amended by deleting therefrom Subdistrict No. 2 and the minimum prices and price classifications established for the Alaska Mine (Mine Index No. 300) by Order dated June 26, 1942, and by substituting therefor Subdistrict No. 1 and the price classifications and minimum prices set forth in the schedules marked Supplement R and Supplement T annexed hereto and hereby made a part hereof.

It is further ordered. That pleadings in opposition to the motion in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4-II (d) of the Bituminous Coal Act of 1937.

It is further ordered. That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

1/4", and 2", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

Run of mine, residual

All dust and under

bottom size,

lump 1/4", and under,

lump 2", etc. 2", bot-

tom size over

2", etc. over

3", slack

It is further ordered. That pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 327.11 (Low volatile coals; Alphabetical list of code members) and § 327.34 (General prices in cents per net ton for shipment into any market area) are amended by deleting therefrom Subdistrict No. 2 and the minimum prices and price classifications established for the Alaska Mine (Mine Index No. 300) by Order dated June 26, 1942, and by substituting therefor Subdistrict No. 1 and the price classifications and minimum prices set forth in the schedules marked Supplement R and Supplement T annexed hereto and hereby made a part hereof.

It is further ordered. That pleadings in opposition to the motion in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4-II (d) of the Bituminous Coal Act of 1937.

It is further ordered. That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

FOR TRUCK SHIPMENTS

§ 327.34 General prices in cents per net ton for shipment into any market area

Code member index	Mine	Mine index No.	Subdistrict No.	County	Seam	All lump $\frac{3}{4}$ " or larger, all egg and stove	All nut or pea, $\frac{1}{4}$ " top size or smaller	Screened M/R	Straight mine run	$\frac{1}{4}$ " screenings	$\frac{3}{4}$ " screenings
Alaska Coal Company, c/o Owen W. Cox.	Alaska...	300	1	Fayette	Fire Creek...	200	250	280	215	195	190

[F. R. Doc. 42-10621; Filed, October 21, 1942; 11:53 a. m.]

TITLE 32—NATIONAL DEFENSE**Chapter IX—War Production Board****Subchapter B—Director General for Operations****PART 1010—SUSPENSION ORDERS**

[Suspension Order S-116]

GUTHRIE'S MATTRESS CO.

Pat Guthrie and Bernard Guthrie, co-partners doing business as Guthrie's Mattress Company, of Phoenix, Arizona, are engaged in the business of manufacturing mattresses.

During the months of April, May and June, 1942, Guthrie's Mattress Company used approximately 7,592 pounds of steel in the production of mattresses in excess of what it was entitled to use for that purpose under paragraph (b) (3) (ii) of General Limitation Order L-49.¹ The company contended that it did not understand Order L-49, but it knew of such order and did not take any action to inform itself concerning the meaning of the order.

After March 20, 1942, Guthrie's Mattress Company accumulated an inventory of approximately 14,620 pounds of iron and steel for use in the manufacture of mattresses, although it was permitted under Order L-49 to use only an average of approximately 2,049 pounds of steel per month in the manufacture of mattresses. This constituted an accumulation of inventories in excess of the minimum amount necessary to maintain production of mattresses at the rates permitted by Order L-49. After March 20, 1942, Guthrie's Mattress Company failed to keep and preserve accurate and complete records concerning its inventories and production.

These acts and omissions constituted willful violations of General Limitation Order L-49 which have hampered and impeded the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered* That:

§ 1010.116 Suspension Order S-116. (a) Deliveries of material to Pat Guthrie and Bernard Guthrie, individually or doing business as Guthrie's Mattress Company, of Phoenix, Arizona, their successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no pref-

erence ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Pat Guthrie and Bernard Guthrie, individually or doing business as Guthrie's Mattress Company, their successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Pat Guthrie and Bernard Guthrie, doing business as Guthrie's Mattress Company, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or of the Director General for Operations except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on October 26, 1942, and shall expire on January 26, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10632; Filed, October 21, 1942; 2:28 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-117]

RUTKIN ELECTRICAL SALES CO.

John Rutkin, an individual doing business as the Rutkin Electrical Sales Company, in Los Angeles, California, is engaged in the business of distributing electrical supplies as a manufacturers' agent and as a wholesaler. He operates

a warehouse, as defined in General Preference Order M-9-a.¹

From February 7, 1942, to May 17, 1942, John Rutkin, doing business as Rutkin Electrical Sales Company, accepted and filled unrated wholesale orders for 52,278 feet of metal-covered copper wire or cable, having a value of \$1,333.74. These acts constituted wilful violations of General Preference Order M-9-a, as amended on February 6, 1942 and May 7, 1942.

These violations of General Preference Order M-9-a have hampered and impeded the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.117 Suspension Order S-117.

(a) Deliveries of material to John Rutkin, doing business as Rutkin Electrical Sales Company or otherwise, either as an agent or for his own account, or to his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to John Rutkin, doing business as Rutkin Electrical Sales Company or otherwise, either as an agent or for his own account, or to his successors or assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve John Rutkin, doing business as Rutkin Electrical Sales Company or otherwise, either as an agent or for his own account, or his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or of the Director General for Operations except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on October 26, 1942, and shall expire on January 26, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended; 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10633; Filed, October 21, 1942; 2:28 p. m.]

*7 F.R. 5980.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-118]

PATRICK AND MOISE-KLINKNER CO.

Patrick and Moise-Klinkner Company is a corporation located in San Francisco, California, and is engaged in the manufacture of brass marking devices and name and identification plates. Between May 7, and August 1, 1942, the company filled orders for such brass devices and plates involving the use of approximately 3,515 pounds of brass where the use of copper products or copper base alloy products was not required by any specifications of the Army or Navy of the United States, the United States Maritime Commission or the Coast Guard, applicable to any contract, sub-contract or purchase order. Some 3,000 pounds of this brass were applied to orders from shipyard companies where its use was due to a justifiable misunderstanding on the part of Patrick and Moise-Klinkner Company. The remaining 515 pounds were applied to orders from three other customers where the use of brass was not justified or excused by the circumstances and the use of brass in these orders constituted wilful violations of Conservation Order M-9-c, as amended on May 7, 1942.¹

These violations of Conservation Order M-9-c, as amended May 7, 1942, have impeded and hampered the war effort of the United States by diverting copper and copper base alloys to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.118 Suspension Order S-118.
 (a) Patrick and Moise-Klinkner Company, its successors and assigns, are prohibited from processing, fabricating or assembling copper, copper base alloys, copper products or copper base alloy products as defined in Conservation Order M-9-c in the manufacture of any item or article, except as specifically authorized by the Regional Compliance Chief of the San Francisco Regional Office of the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Patrick and Moise-Klinkner Company from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on October 26, 1942, and shall expire on December 26, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10634; Filed, October 21, 1942;
 2:28 p. m.]

¹ 7 F.R. 3424, 3660, 3745, 4205, 4480, 4535, 5344, 5902, 6162, 6866.

PART 3106—RATTAN

[General Conservation Order M-248]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rattan for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3106.1 General Conservation Order M-248—(a) Definitions. For the purpose of this order:

(1) "Rattan" means the stripped stem of climbing palms, including, but not limited to, the genera Calamus, Desmoncus, Korthalsia and Daemonorops.

(2) "Weaving rattan" means the soft rattans, including, but not limited to, those known in the trade as Kubu, Segá, Loonties, and Koties, which are customarily used for splitting into cane or slab rattan but which can be used for weaving baskets and boat fenders.

(3) "Hard or semi-hard rattan" means the rattans, including, but not limited to, those known in the trade as Tohiti, Oemoloe, Padang, and Sarawak, which because of their hardness are customarily not used for weaving.

(4) "Cane" means the peel cut from the stem of rattan, processed to uniform gauge by removing the pith, and finished to uniform width.

(5) "Slab rattan" means the peel cut from the stem of rattan not processed to a uniform width and gauge.

(6) "Reed" means the core or pith of the rattan left after splitting off the cane or slab rattan.

(b) *Restrictions on sales and deliveries.* No person shall sell or deliver and no person other than an importer acting as such, shall buy or accept delivery of any weaving rattan 6 millimeters and over in diameter, or hard and semi-hard rattan 9 millimeters and over in diameter (all diameters measured at the small end), or any slab rattan 6 millimeters and over in width, except upon the following categories of orders:

(1) Orders placed by the Army, Navy or Maritime Commission of the United States, or the War Shipping Administration for use in the construction of boat fenders.

(2) Orders placed by the Defense Supplies Corporation.

(3) Orders placed by any person for use in the construction of boat fenders for the Army, Navy or Maritime Commission of the United States or the War Shipping Administration.

(4) Orders placed by any person for processing into cane for consumption for the uses specified in paragraph (c) (1) (ii) of this order.

(5) Orders specifically authorized by the Director General for Operations.

(c) *Restrictions on processing and consumption.* (1) Unless specifically authorized by the Director General for Operations, no person shall weave or incorporate as a whole into any article, or shall split or otherwise process into cane or slab rattan or otherwise, any weaving rattan 6 millimeters to 11½ millimeters in diameter, inclusive, measured at the small end, except for:

(i) Boat fenders for the Army, Navy, or Maritime Commission of the United States, or the War Shipping Administration;

(ii) Cane for welfare institutions for the physically handicapped, when specifically authorized by the Director General for Operations.

(2) Unless specifically authorized by the Director General for Operations, no person shall process or consume, in any way, any weaving rattan over 11½ millimeters in diameter, measured at the small end, except in weaving boat fenders for the Army, Navy or Maritime Commission of the United States, or in producing slab rattan for use in the construction of boat fenders for the Army, Navy or Maritime Commission of the United States or the War Shipping Administration.

(3) Unless specifically authorized by the Director General for Operations, no person shall process or consume, in any way, any hard or semi-hard rattan 9 millimeters and over in diameter, measured at the small end, except in the production of slab rattan for use in the construction of boat fenders for the Army, Navy, or Maritime Commission of the United States, or the War Shipping Administration.

(4) Unless specifically authorized by the Director General for Operations, no person shall weave or incorporate into any article, in any way, any slab rattan 6 millimeters and over in width, measured at the small end, except in the construction of boat fenders for the Army, Navy, or Maritime Commission of the United States, or the War Shipping Administration.

(d) *Exceptions.* The provisions of this order shall not apply to the following:

(1) Cane already produced;

(2) Rattan shorter than 9 feet in length, if cut into such length prior to the date of issuance of this order; or

(3) Reed either already produced or produced after the issuance of this order incident to the production of cane and slab rattan.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* All persons who on the date of issuance of this order, have in their possession or under their control any rattan 6 millimeters and over in diameter (measured at the small end) or any slab rattan, shall, within fifteen days after such date, file with the War Production Board a report on Form PD-692.

(i) *Appeals.* Any manufacturer affected by this order, who considers that compliance therewith would work an

exceptional and unreasonable hardship upon him, may apply for relief by addressing a letter in triplicate to the War Production Board, Washington, D. C., Ref: M-248, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(j) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Communications.* Reports to be filed and all other communications concerning this order shall be addressed to the War Production Board, Lumber and Lumber Products Branch, Washington, D. C., Ref: M-248.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F.R. Doc. 42-10636; Filed, October 21, 1942;
4:30 p. m.]

PART 1147—COLLAPSIBLE TUBES

[Amendment 1 to Conservation Order M-115,
as Amended October 5, 1942¹]

Subparagraph (6) of paragraph (d) of Conservation Order M-115 (§ 1147.1) is hereby amended to read as follows:

(6) Notwithstanding any other provisions of this order, gift kits or combination set boxes holding multiple units, including filled Class III or Class IV tubes, the value of which comprises not over 25 percent of the total value of the package, may be disposed of without complying with the used tube exchange provision set forth in paragraph (d) (3) hereof; provided that any such boxes are delivered or sent direct by the seller to a member of the Army or Navy of the United States or of the United States Coast Guard.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22nd day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10655; Filed, October 22, 1942;
11:41 a. m.]

¹ 7 F.R. 7898.

PART 3116—DOUGLAS FIR LUMBER

[Limitation Order L-218]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Douglas fir lumber for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3116.1 Limitation Order L-218—(a)

Definitions. For the purposes of this order:

(1) "Douglas fir lumber" means any sawed lumber (except shingles or lath) of any size or grade, whether rough, dressed on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, of the species of *Pseudotsuga taxifolia*, produced from timber located west of the crest of the Cascade Mountain Range, but not including No. 3 boards, No. 3 dimension or No. 3 timbers, or any grade of factory or shop lumber, and not including plywood, veneer or used lumber.

(2) "Producer" means any plant which processes, by sawing, edging, planing or other comparable method, 25% or more of the total volume of logs and lumber purchased or received by it, and which sells as lumber the product of such processing. "Volume" means the board foot volume of lumber processed from logs, processed from other lumber or sold, as the case may be, within six months immediately prior to the transaction affected by this order.

(3) "Procuring Agency" means the Procuring Agency of the Construction Division of the Corps of Engineers of the United States Army.

(b) *General limitations.* No producer shall sell, ship or deliver (including delivery by a producer to any distribution yard of such producer) any Douglas fir lumber except that:

(1) Any producer may sell, ship or deliver (either directly or through one or more intervening persons) any Douglas fir lumber to or for the account of the Procuring Agency or to or for the account of any contractor or other person designated by such agency; but only if there is endorsed on the purchase order or contract for such lumber a statement in substantially the following form, signed by the purchaser or by a responsible official duly designated for such purpose by the purchaser:

All Douglas fir lumber covered by this purchase order (or contract) is to be sold, shipped or delivered to, or received by, the Procuring Agency or a contractor or other person designated by such agency, as required by Limitation Order L-218, with the terms of which I am familiar.

Purchaser
By _____
Title or rank _____

Date _____

Each endorsement made under the provisions of this order shall constitute a representation to the producer and to the War Production Board that the Douglas fir lumber referred to therein will be used in accordance with such endorsement.

(2) Any Douglas fir lumber which was actually in transit on October 29, 1942, may be delivered to its ultimate destination.

(3) Any producer may sell, ship or deliver any Douglas fir lumber to any other producer.

(4) Any producer may sell, ship or deliver any Douglas fir lumber upon the specific authorization of the Director General for Operations on Form PD-423, or upon the direction of the Director General for Operations pursuant to paragraph (c) of this order.

(c) *Allocations.* The Director General for Operations may allocate specific quantities of Douglas fir lumber to specific persons. He may also direct the specific manner and quantities in which delivery shall be made to particular persons, and direct or prohibit particular uses of Douglas fir lumber, or the production by any person of particular items of Douglas fir lumber. Such allocations and directions will be made to insure the satisfaction of war requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director General for Operations, without regard to any preference ratings assigned to particular purchase orders or contracts. The Director General for Operations may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill war and essential civilian requirements.

(d) *Effect of preference ratings.* No preference rating shall have any force or effect with respect to deliveries of Douglas fir logs, or deliveries, by producers, of Douglas fir lumber.

(e) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal by addressing a letter to the Chief of the Lumber and Lumber Products Branch, War Production Board, Washington, D. C.

(f) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment, or both. In addition, the Director General for Operations may prohibit such person from making or obtaining further deliveries of, or from processing or using, material under priority control, may withhold from such person priorities assistance, and may take such other action as he deems appropriate.

(g) *Communications.* All communications concerning this order shall be addressed as follows: Lumber and Lumber Products Branch, War Production Board, Washington, D. C., Ref.: L-218.

(h) *Application of Order M-208.* After the effective date of this order, the provisions of Conservation Order M-208 shall not apply to Douglas fir lumber sold, shipped or delivered by producers in accordance with the provisions of this order.

(i) *Effective date.* This order shall take effect October 29, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22nd day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10664; Filed, October 22, 1942;
11:41 a. m.]

Chapter XI—Office of Price Administration

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5D]

GASOLINE RATIONING REGULATIONS FOR THE PANAMA CANAL ZONE

Pursuant to the authority vested in the Price Administrator by Directive No. 1 of the War Production Board, issued January 24, 1942, and by Supplementary Directive No. 1-L, issued September 10, 1942, *It is hereby ordered, That:*

Sec.	
1394.9001	Definitions.
1394.9002	Scope of restrictions.
1394.9003	Personnel.
1394.9004	Authority of Chief, License Bureau, for issuance of rations.
1394.9005	Records of applications.
1394.9006	Persons entitled to basic rations.
1394.9007	Basic ration books.
1394.9008	Application for and issuance of basic rations.
1394.9009	Supplemental rations.
1394.9010	Application for supplemental ration.
1394.9011	Allowance of mileage.
1394.9012	Issuance of supplemental rations.
1394.9013	Rations for commercial motor vehicles.
1394.9014	Persons entitled to non-highway rations.
1394.9015	Non-highway ration books.
1394.9016	Application for non-highway ration.
1394.9017	Issuance of non-highway rations.
1394.9018	Issuance of rations to contractors.
1394.9019	Acknowledgments of delivery.
1394.9020	Restrictions as to issuance and use.
1394.9021	Rations not transferable.
1394.9022	Change of occupation of holder of Class B ration.
1394.9023	Restrictions on consumption of gasoline.
1394.9024	Renewal of rations.
1394.9025	Issuance of further ration for use prior to expiration date of current ration.
1394.9026	Special cases.
1394.9027	General provisions.
1394.9028	Appearances before Chief, License Bureau.
1394.9029	Presentation of registration card.
1394.9030	Notation on registration cards.
1394.9031	Presentation of new motor vehicle registration receipts.
1394.9032	Notation on ration books and application.
1394.9033	Change in motor vehicle registration number.
1394.9034	Lost or destroyed coupon books.
1394.9035	Signature on coupon books.
1394.9036	Surrender of expired coupons.
1394.9037	Expiration of rations.
1394.9038	Expiration of rations upon cessation of use or change in ownership.

Sec.	
1394.9039	Expiration of ration upon termination of employment.
1394.9040	Denial of gasoline rations.
1394.9041	Suspension and revocation of rations.
1394.9042	Review by Chief, License Bureau, of applications for gasoline ration.
1394.9043	Restriction on transfer to consumers.
1394.9044	Transfers to consumers.
1394.9045	Transfers to consumers in exchange for coupons.
1394.9046	Transfers in exchange for acknowledgment of delivery.
1394.9047	Transfers from fuel tank to fuel tank of vehicles and boats forbidden.
1394.9048	Preservation of coupons and certificates; reports.
1394.9049	Invalidity of Class A coupons after expiration of validity.
1394.9050	Adjustments and appeals.
1394.9051	Criminal prosecutions.
1394.9052	Suspension orders.
1394.9053	Denial of materials.
1394.9054	Effective date.

AUTHORITY: §§ 1394.9001 to 1394.9054, inclusive, issued under Pub. Law 671, 76th Cong.; Pub. Laws 69, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1-L; 7 F.R. 562, 7200, 7281.

§ 1394.9001 Definitions. (a) When used in these regulations:

(1) "Board" means the Canal Zone Gasoline Rationing Board;

(2) "Bulk transfer" means any transfer of gasoline other than into the fuel tank of a registered motor vehicle;

(3) "Chief, License Bureau" means the Chief, License Bureau, The Panama Canal.

(4) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline; the term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer;

(5) "Dealer" means any person, firm, or agency, including distributor and Government agencies, operating a service station, filling station, garage, store, or other place of business at which gasoline is regularly transferred directly to consumers;

(6) "Evidence" means a token authorized by these regulations to represent a right to receive a transfer of gasoline; the term shall include coupons, certificates of authority to acquire gasoline, and acknowledgments of delivery;

(7) "Gasoline" means any liquid fuel used for the propulsion of motor vehicles, aircraft, or motor boats by means of internal combustion engines, except liquid fuel with an octane rating of 86 or more, and except Diesel fuel, kerosene, benzene, benzol and naphtha;

(8) "Inboard motorboat" means any self-propelled water craft the motive power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor;

(9) "Motorcycle" means any motor vehicle designed for operation on three wheels or less, but does not include tractors;

(10) "Motor vehicle" means any rubber-borne, self-propelled conveyance the motive power for which is furnished by

a gasoline-operated internal combustion engine;

(11) "Non-highway use" means any use of gasoline other than for the propulsion of a registered motor vehicle;

(12) "Occupation" means business; gainful work; or any work regularly performed by a person which contributes to the war effort or to the public welfare; and includes the pursuit of a regular and recognized course of study;

(13) "Occupational mileage" means mileage driven by a person in carrying on his occupation or to and from a place where such occupation is carried on by him;

(14) "Passenger automobile" means any motor vehicle other than a motorcycle, built primarily for the purpose of transporting passengers and having a rated seating capacity of seven or less; and also includes station wagons and suburban carryalls, irrespective of seating capacity;

(15) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise;

(16) "Ration," as the context requires, means either a right to acquire and use gasoline, evidenced by coupons or certificates of authority issued by the Chief, License Bureau, on the basis of an application, or the amount of gasoline acquired in exchange for such evidences;

(17) "Ration book" means any gasoline coupon book issued pursuant to these regulations;

(18) "Registered," as applied to a motor vehicle, means that such motor vehicle is duly licensed for general operation on public roads or highways;

(19) "Transfer" means to sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by will, inheritance, foreclosure or legal process; it also includes the use by any dealer or distributor of any gasoline held by him; but does not include the creation of a security interest or security title, involving no change of possession; delivery to a carrier for shipment, or by a carrier in completion of shipment, shall not be deemed to be a transfer to or by such carrier;

(20) "Unit" means the value, in gallons of gasoline, assigned to a coupon contained in a ration book, by these regulations. The value of a unit with respect to the class of the coupon, with respect to the type of motor vehicle or type of gasoline use for which such coupon is issued, or with respect to the area in which or time when the transfer of gasoline is made, may be changed from time to time by amending these regulations. Until changed by amendment of these regulations the value of the coupons in the ration books of the respective classes shall be as follows:

Class A books—4 gallons

Class B books—4 gallons

Class E books—2 gallons

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

§ 1394.9002 Scope of restrictions. Nothing in these regulations shall be construed to limit the quantity of gasoline which may be acquired by any agency of the United States Government for official use or for use and consumption by vessels authorized to acquire gasoline at Canal Zone ports.

§ 1394.9003 Personnel. (a) These regulations shall be administered by the Governor of the Panama Canal through the Canal Zone Gasoline Rationing Board, the Chief, License Bureau, and such other administrative personnel as the Governor may select.

(b) The Canal Zone Gasoline Rationing Board shall consist of one representative each of the Army, Navy, and The Panama Canal, to be appointed by the Governor of The Panama Canal, and shall act in an advisory capacity in such matters pertaining to the gasoline rationing program as may be referred to it by the Governor or other rationing authority, and shall decide upon any appeals from decisions of the Chief, License Bureau.

§ 1394.9004 Authority of Chief, License Bureau, for issuance of rations. The Chief, License Bureau, under such instructions as may be issued by the Governor of The Panama Canal, shall have general authority for administering the regulations governing the issuance of rations in the Canal Zone.

§ 1394.9005 Records of applications. The Chief, License Bureau, shall maintain a file of all applications for gasoline rations received by him.

§ 1394.9006 Persons entitled to basic rations. The owner or the person who is entitled to the use of a registered passenger automobile or a registered motorcycle and who is otherwise authorized to purchase gasoline in the Canal Zone under Article III of the 1936 Treaty between the United States and the Republic of Panama, may obtain a basic ration, for use with such automobile or motorcycle during the period from October 1, 1942, to September 30, 1943, inclusive.

§ 1394.9007 Basic ration books. (a) Class A coupon books and Class E coupon books marked "Basic" shall be issued as basic rations.

Class A books shall be issued for passenger automobiles and Class E books for motorcycles. Class A Basic ration books shall contain forty-eight (48) coupons, and Class E Basic ration books thirty-six (36) coupons, each having a value of one unit. Coupons contained in Class A books shall be valid for the transfer of gasoline to a consumer only during the two month's period indicated on the coupons.

(b) Coupons in Basic Class E books shall be valid for transfer of gasoline to a consumer at any time during October 1, 1942, to September 30, 1943, inclusive.

§ 1394.9008 Application for and issuance of basic rations. (a) Application for a basic ration book shall be made on the prescribed form to the Chief, License Bureau, by the owner or the person entitled to the use of the vehicle or by the authorized agent of either. A separate

application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

(b) Pursuant to such application, a basic ration shall be issued immediately by the Chief, License Bureau, who shall remove from any Class A book issued subsequent to October 1, 1942, all expired coupons and one currently valid coupon for each full eight days which have elapsed in the valid period during which such book is issued.

(c) No more than one basic ration may be issued for a vehicle except as provided in § 1394.9038 and no person may obtain more than one basic ration for the same vehicle, during the period from October 1, 1942, to September 30, 1943.

§ 1394.9009 Supplemental rations. (a) Class B coupon books and Class E coupon books marked "Supplemental" shall be issued by the Chief, License Bureau, as supplemental rations to an owner or person entitled to the use of a registered passenger automobile or registered motorcycle, respectively, to provide for occupational mileage driven in such vehicle by anyone, to the extent that such mileage is allowable pursuant to § 1394.9011.

(b) When issued as a supplemental ration, Class B and E books shall contain the number of coupons necessary to provide the mileage allowed by the Chief, License Bureau. Each coupon shall have a value of one unit. Coupons contained in such books shall authorize the transfer of gasoline to consumers only during the valid period of such books noted thereon by the Chief, License Bureau. Supplemental rations and books shall be valid for a period of one year commencing on the date of issuance.

(c) Applicants for supplemental rations are deemed to have available 150 miles per month of occupational driving by using the basic ration to which they are entitled; and supplemental rations may be issued to provide only occupational mileage allowed by Chief, License Bureau, in excess of 150 miles per month. However, no deduction for such 150 miles shall be made by the applicant in stating his required occupational mileage.

§ 1394.9010 Application for supplemental ration. (a) Application for a supplemental ration may be made to Chief, License Bureau, by the owner of or a person entitled to the use of a registered passenger automobile or registered motorcycle. A separate application shall be made for each vehicle. Application on behalf of an individual may not be made by an agent. In the event that two or more passenger automobiles for which supplemental rations are desired are owned by persons living in the same household and related to each other by blood, marriage, or adoption, all applications for supplemental rations for such vehicles shall, except for good cause shown, be submitted at the same time.

(b) An applicant shall establish the average monthly occupational mileage required for each of the following purposes:

(1) Driving between home and a fixed place of work in connection with the

principal occupation of the applicant or principal user of the vehicle;

(2) Driving in the course of such principal occupation;

(3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

(c) Where two or more vehicles are used in a ride-sharing arrangement of the type described in paragraph (a) of § 1394.9011, a separate application for a supplemental ration shall be made for each such vehicle, but all such applications must, except for good cause shown, be submitted at the same time. Each such application shall include only the mileage driven in the vehicle for which it is made.

§ 1394.9011 Allowance of mileage.

(a) No occupational mileage shall be allowed for any purpose specified in paragraph (b) of § 1394.9010 unless the applicant establishes, in connection with the use of the vehicle for that purpose, either:

(1) That a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from or carrying on their occupations: *Provided*, That each person must certify to his participation in the ride-sharing arrangement by signing the application; or

(2) That no such ride-sharing arrangement could reasonably be made but that the vehicle carries as many persons as could reasonably be expected in the light of the circumstances in which and the purpose for which it is used; that transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the absence of a fixed place of work; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Chief, License Bureau, may find sufficient.

(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location, schedules, or overcrowded condition, by reason of physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reasons as the Chief, License Bureau, may find sufficient.

(b) Upon the basis of the application and such other facts as the Chief, License Bureau, may require, mileage shall be allowed for any of the purposes listed in paragraph (b) of § 1394.9010 for which applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof.

The Chief, License Bureau, shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) with respect to which the applicant has established the inadequacy of alternative means of transportation (in accordance with paragraph (a) (2) (ii) of this section). The Chief, License Bureau, shall then determine the total average occupational mileage per month required by the applicant and allowed by him for the period of one year specified in paragraph (b) of § 1394.9010 and shall issue a supplemental ration, in accordance with the provisions of § 1394.9012, to provide such mileage.

(c) The Chief, License Bureau, shall deduct from the mileage he allows for a passenger automobile in accordance with paragraph (b), above, 150 miles per month for each additional passenger automobile owned by the applicant or by any person living in his household and related to him by blood, marriage or adoption, if the Chief, License Bureau, finds that such automobile is available to and adequate for the use of the applicant for the purpose for which the supplemental ration is sought. No such automobile shall be deemed available to the applicant if it is used, to a substantial extent, for an occupational purpose of another person; nor shall such automobile be deemed available to the applicant during the effective period of a supplemental ration issued to another person whose mileage allowance was reduced on account of such automobile.

§ 1394.9012 Issuance of supplemental rations. (a) Supplemental rations shall be issued by the Chief, License Bureau, to provide the total mileage allowed in accordance with § 1394.9011.

(1) In the case of a passenger automobile the Chief, License Bureau, shall issue one or more Class B books, or E books in the case of a motorcycle, bearing expiration dates one year from the date of issuance, and containing the number of coupons allowable.

(b) The Chief, License Bureau, shall remove and destroy all coupons in Class B books in excess of the number to be issued hereunder.

(c) For the purpose of paragraph (a) of this section, a passenger automobile is conclusively presumed to operate fifteen (15) miles, and a motorcycle forty (40) miles, per gallon of gasoline.

§ 1394.9013 Rations for commercial motor vehicles. (a) The Chief, License Bureau, shall issue Class B coupons, or a certificate of authority to acquire gasoline which shall authorize the acquisition of gasoline upon the signing of an acknowledgment of delivery, to the owner or the person who is entitled to the use of a registered motor vehicle which is licensed or used for commercial purposes, provided such person is authorized to purchase gasoline in the Canal Zone under Article III of the 1936 Treaty between the United States and the Republic of Panama.

(b) Application for commercial ration shall be made to the Chief, License Bureau, on the prescribed form and shall establish the average monthly mileage

required, and the purpose for which the vehicle is used.

(c) An application for rations for a commercial motor vehicle operated under contract or agreement with The Panama Canal shall be referred to the Chief Quartermaster of The Panama Canal who shall determine the quantity of gasoline to be authorized for such motor vehicle.

§ 1394.9014 Persons entitled to non-highway rations. Any person who requires gasoline for a non-highway purpose may obtain a non-highway ration authorizing the acquisition of the quantity of gasoline required for such purpose, except as provided in paragraph (b) of § 1394.9017. Non-highway rations shall be issued for one year periods.

§ 1394.9015 Non-highway ration books. (a) Class E coupon books shall be issued as non-highway rations. Coupons in Class E books shall each have a value of one unit, and shall be valid for the transfer of gasoline to a non-highway consumer during the one-year period noted on such books by the Chief, License Bureau.

(b) The Chief, License Bureau, shall issue a certificate of authority to acquire gasoline in lieu of Class E coupon books to owners of non-highway equipment who require gasoline in excess of twenty-four (24) gallons a month, which authority shall authorize the acquisition of gasoline upon the signing of an acknowledgment of delivery.

(c) An application for a ration for non-highway equipment used in connection with carrying out a contract or agreement with The Panama Canal shall be referred to the Chief Quartermaster of The Panama Canal who shall determine the quantity of gasoline to be authorized for such non-highway equipment.

§ 1394.9016 Application for non-highway ration. (a) Applications for non-highway rations may be made on the prescribed form. Application may be made by an agent.

(b) The applicant shall state the quantity of gasoline needed for the year following the date on which such ration is required, and the non-highway purpose or purposes for which such gasoline is needed.

§ 1394.9017 Issuance of non-highway rations. (a) The Chief, License Bureau, shall determine the quantity of gasoline required for one year referred to in paragraph (b) of § 1394.9016, and, subject to the provisions of paragraph (b) of this section, shall issue to the applicant one or more Class E books containing a sufficient number of coupons to enable the applicant to acquire the quantity of gasoline so determined to be necessary for such period. The Chief, License Bureau, shall remove from the book and destroy any coupons in excess of the number allotted.

(b) If application is made for a non-highway ration for use with a motorboat or outboard motor operated wholly or in part for a non-occupational purpose, the Chief, License Bureau, shall not allow for

the non-occupational purpose a quantity of gasoline in excess of the number of gallons determined by the following formulae:

(1) In the case of an inboard motor-boat, the number of gallons equal to eight times the manufacturer's rated horsepower of the motor or motors but in any event not more than five hundred (500) gallons in a period of one year;

(2) In the case of an outboard motor, the number of gallons equal to 10 times the manufacturer's rated horsepower of such motor, but not in excess of eighty (80) gallons in a period of one year.

(c) Except as provided in paragraph (a) of § 1394.9038, no more than one non-occupational ration may be issued for an inboard motorboat or an outboard motor during any year.

§ 1394.9018 Issuance of rations to contractors. (a) A contractor under contract with the United States Government or its agencies shall be authorized to acquire gasoline in bulk solely for use on the contract work. No gasoline issued to a contractor under this section shall be consumed in a motor vehicle licensed for personal use.

(b) Application for a bulk ration shall be made by a contractor to the Chief, License Bureau, on the prescribed form and shall indicate the minimum quantity of gasoline in gallons required on the contract operations each month, and shall be referred to the contracting agency which will determine the quantity of gasoline allowed. The Chief, License Bureau, shall issue a certificate of authority for the purchase of the quantity of gasoline allowed.

(c) The contractor shall submit a report to the Chief, License Bureau, within 10 days after the close of each month showing the quantity of gasoline on hand at the beginning of the month, the quantity purchased during the month, the source of gasoline purchased, a list of vehicles in which the gasoline was consumed, and the quantity on hand at the close of the month.

(d) The Chief, License Bureau, may at any time change the quantity of gasoline authorized to be acquired by a contractor when in his opinion such change is necessary.

§ 1394.9019 Acknowledgments of delivery. The Chief, License Bureau, shall provide an Acknowledgment of Delivery form to be used for the acquisition of gasoline by or on behalf of any agencies of the United States Government which distribute gasoline for other than official use and to be signed by contractors or other persons authorized to acquire gasoline pursuant to a certificate of authority. Any such acknowledgment form bearing the signature of an authorized officer, agent, or employee of any of such agencies, contractors or other persons, shall be valid as an authorization of transfer of gasoline by any person to whom it is presented, to the extent of the gallonage thereon stated. In the event that an acknowledgment form should not be available, gasoline may be acquired by or on behalf of any such agencies or contractor in exchange for a temporary

receipt, in any form, if such temporary receipt supplies the information required by the acknowledgment form and is signed by an authorized officer, agent or employee of such agencies or contractor; such temporary receipt shall show the address of the agency on behalf of which such receipt was issued.

§ 1394.9020 Restrictions as to issuance and use. (a) Rations shall be issued only to persons authorized to purchase gasoline in the Canal Zone.

(b) No person to whom a ration has been issued may use or permit the use of such ration for any purpose other than the one for which it was issued.

§ 1394.9021 Rations not transferable. No ration may be transferred or assigned; such ration, may, however, subject to the provisions of § 1394.9023, be used by anyone entitled to use the vehicle, boat or equipment for which it was issued, if such use is for a purpose for which such ration may be obtained and so long as there is no change in ownership of such vehicle, boat or equipment.

§ 1394.9022 Change of occupation of holder of Class B ration. The holder of a Class B ration shall report to the Chief, License Bureau, any change in his residence or principal occupation on the basis of which such ration was issued. If such change of residence or principal occupation appears to affect the quantity of gasoline required for the purpose for which the Class B ration was issued, the Chief, License Bureau, shall notify the holder, in writing, that his right to such ration is to be reexamined. Such notice shall be mailed to the holder of the Class B ration at the address shown on his application or report and shall require him to file a new application for a ration within five days after the mailing date of the notice. If no new application is filed within such time, the Chief, License Bureau, shall revoke such ration and recall all Class B books or coupons issued in connection therewith. If a new application is filed and if the Chief, License Bureau, determines that the change in occupation or residence will not work a substantial change in the amount of the supplemental ration to which the holder will be entitled, he shall take no further action. If the Chief, License Bureau, finds that the change in residence or occupation will result in a substantial change in the amount of the supplemental ration to which the holder is entitled he shall revoke the ration and recall the coupon books originally issued and shall issue in lieu thereof, such ration (if any) as he shall determine that the holder is entitled to receive on the basis of his new application, in accordance with the provisions of § 1394.9012.

§ 1394.9023 Restrictions on consumption of gasoline. (a) Except as provided in § 1394.9021, no person shall consume gasoline unless such gasoline was acquired by him or on his behalf in exchange for valid coupons or other evidence; *Provided*, That:

(1) Any consumer may use for non-highway purposes (other than non-occupational boat operations) gasoline owned

by him and in his possession prior to the effective date of these regulations;

(2) Any consumer may use gasoline owned by him and in his possession prior to the effective date of these regulations, for the operation of a registered motor vehicle, or for non-occupational boat operation if, at the time of transfer of such gasoline into the fuel tank of such vehicle or boat, he destroys currently valid coupons issued therefor equal in value to the number of gallons of gasoline so transferred; *Provided*, That gasoline placed in the fuel supply tank of such vehicle or boat prior to the effective date of these regulations, may be used therein without restriction.

(b) The provisions of this section shall not be applicable to the consumption of gasoline by any agency of the United States Government, or to the consumption by any one of gasoline brought into the Canal Zone in the fuel supply tank of a vehicle, boat or equipment.

§ 1394.9024 Renewal of rations. (a) Rations shall expire as provided in §§ 1394.9027, 1394.9037, 1394.9038, and 1394.9039. At any time within thirty (30) days prior to the expiration of any ration, or at any time thereafter, application for a further ration may be made. Such application shall be made in the same manner as the original application, except as provided in paragraph (b) of this section.

(b) If there have been no substantial changes since the date of the original application, in the applicant's gasoline needs, or in the nature, quantity and conditions of use of the motor vehicle for which the original ration was issued, and if such original application accurately calculated the applicant's requirements, application for a further ration may be made by executing a renewal application form. The applicant shall in such case, note on such renewal application any changes in the nature or quantity of his use since the date of the original application.

(c) When issuing a further ration prior to the expiration date of a current ration of the same class, the Chief, License Bureau, shall note on the application and on the front cover of the coupon book (if any) representing such further ration the date on which such further ration shall become valid. Such date shall be the day following the expiration date of the current ration.

(d) Except as provided in §§ 1394.9025 and 1394.9026, no further ration of any class may be issued for use prior to (or may be used prior to) the expiration of the current ration of such class.

§ 1394.9025 Issuance of further ration for use prior to expiration date of current ration. (a) Any person who finds that, due to a change in occupation or in the location of place of business or residence, or other change in circumstances, or due to variation in the amount of occupational mileage needed, or miscalculation of needs, a ration of any class (other than a basic ration) issued to him fails to meet his requirements, may apply for a further ration of such class for use prior to the expiration date of his cur-

rent ration. Such application shall be made in the same manner as the application for the current ration.

(b) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The reason or reasons why a further ration will be needed for use prior to the expiration date of the current ration.

(c) If the Chief, License Bureau, determines that, for one or more of the reasons specified in paragraph (a) of this section, more mileage is needed or, in the case of a non-highway ration, more gasoline is required, than that stated in the application on the basis of which the current ration was issued, he may grant a further ration in accordance with the provisions of paragraph (b) of § 1394.9027.

§ 1394.9026 Special cases. (a) Any person to whom a supplemental ration has been issued, who finds that the vehicle or vehicles for which such ration was granted cannot be operated for fifteen (15) miles (or, in the case of a motorcycle, for forty (40) miles) or more on a gallon of gasoline, may apply for a further ration for use prior to the expiration of such current ration.

(b) Such application shall be made in the same manner as the application for the current ration.

(c) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The nature of the use of the vehicle or vehicles for which the further ration is sought and the driving conditions under which such vehicle or vehicles are operated;

(3) The reason or reasons why a further ration is sought for use prior to the expiration of the current ration;

(4) That the vehicle or vehicles for which the application is made are in sound mechanical condition and are being operated in such a manner as to secure maximum economy of gasoline.

(d) If the Chief, License Bureau, determines that the vehicle or vehicles for which application is made are being operated in such fashion as to obtain the maximum mileage per gallon of gasoline reasonably possible, he may grant a further ration in accordance with the provisions of paragraph (b) of § 1394.9027.

§ 1394.9027 General provisions. (a) All of the provisions of these regulations applicable to the issuance of an original ration shall apply to the issuance of a further ration pursuant to §§ 1394.9024, 1394.9025, and 1394.9026, except as otherwise expressly provided in these sections.

(b) When granting a further ration for use prior to the original expiration date of a current ration, pursuant to the provisions of § 1394.9025 or § 1394.9026, the Chief, License Bureau, shall redetermine the expiration date of such current ra-

tion. Such redetermination shall be based on his estimate of the date on which such current ration will be exhausted. The Chief, License Bureau, shall thereupon note such redetermined expiration date on the application for such current ration and on the coupon books issued therefor. The redetermined date shall be deemed the expiration date of such current ration for all purposes of these regulations. The further ration shall then be issued in accordance with the provisions of paragraph (c) of § 1394.9024.

§ 1394.9028 Appearances before Chief, License Bureau. The Chief, License Bureau, may require any applicant for a ration to appear before him for examination and to produce such witnesses or evidence as he may deem material.

§ 1394.9029 Presentation of registration card. No gasoline ration shall be issued to a person who resides in the Republic of Panama for any motor vehicle unless the Republic of Panama registration receipt authorizing the operation of such vehicle during all or part of the period for which such ration is to be issued is presented to the Chief, License Bureau.

§ 1394.9030 Notation on registration cards. (a) At the time of issuing a gasoline ration for a motor vehicle registered in the name of a person who resides in the Republic of Panama, the person issuing such ration shall make a clear notation in ink, indelible pencil or by typewriter, on the back of the motor vehicle registration receipt issued in the Republic of Panama presented by the applicant, showing the date of issuance, the class of ration and the serial number of the ration book issued.

(b) The Chief, License Bureau, shall make a record on the file copy of the license registration of all ration books issued for motor vehicles.

§ 1394.9031 Presentation of new motor vehicle registration receipts. Persons who reside in the Republic of Panama who have been issued ration books under these regulations, upon being issued a new motor vehicle registration receipt, shall within ten (10) days from the date of issuance thereof, present the new receipt to the Chief, License Bureau. The Chief, License Bureau, shall record thereon the record of the issuance of the ration book issued in the manner prescribed in § 1394.9030.

§ 1394.9032 Notation on ration books and application. (a) At the time of issuance of any ration book for a registered motor vehicle, the Chief, License Bureau, shall make a clear notation on the cover thereof, in ink, indelible pencil, or by typewriter, of the registration number of the vehicle for which it is issued and of the name and address of the registered owner of such vehicle. The Chief, License Bureau, shall also make a notation on the cover of such book and on the application therefor, of the date on which it becomes valid and of its expiration date.

(b) At the time of issuance of a non-highway ration book, the Chief, License Bureau, shall make a clear notation on

such book in ink, indelible pencil, or by typewriter, of the name and address of the applicant and of the period during which such book shall be valid. Such period shall also be noted on the application.

§ 1394.9033 Change in motor vehicle registration number. (a) The holder of a ration book issued for a registered motor vehicle shall, upon any change in the registration number of such vehicle, submit such ration book to the Chief, License Bureau, at the time of issuance of the new registration number for the purpose of having the notation thereon changed to correspond to the new registration number. The Chief, License Bureau, upon presentation of such book shall obliterate the registration number appearing thereon and note thereon, in ink, indelible pencil, or by typewriter, the new registration number issued for such vehicle. Such notation shall be countersigned or initialed by the Chief, License Bureau.

(b) Nothing in this section shall be construed to authorize the continued use of a ration book after a change in ownership of the vehicle for which it was issued.

(c) Any alteration on the face or cover of any ration book, unless made and countersigned by a person authorized to do so under these regulations, shall render such book, and the coupons therein, invalid.

§ 1394.9034 Lost or destroyed coupon books. (a) In the event of the accidental loss, destruction, or mutilation of any coupon book, the holder thereof may apply to the Chief, License Bureau, for replacement thereof.

(b) Such application shall be made on the prescribed form, under oath or affirmation, and shall set forth:

(1) The name and address of the applicant;

(2) The class, date and place of issuance and expiration date of such book;

(3) A description of the motor vehicle, boat, equipment, or process for which the book was issued;

(4) A statement of the number and type of unused coupons so lost, destroyed, or mutilated;

(5) A description of the manner and circumstances of the loss, destruction or mutilation.

(c) If the Chief, License Bureau, is satisfied that such book has been lost or destroyed, or so damaged or mutilated as to be rendered unfit for use, the Chief, License Bureau, shall issue a duplicate book of the same class containing the same quantity of coupons as those sought to be replaced, and shall clearly note on the cover of any duplicate book issued the same expiration date, if any, that appeared on the original book.

(d) No person receiving a duplicate book under paragraph (c) hereof shall use, attempt to use, or permit the use of the original book or coupons, if damaged or mutilated, to the Chief, License Bureau, at the time of issuance of the duplicate book; in the event that a lost book or lost coupons are found after duplicates have been issued, such orig-

inal book or coupons shall be surrendered to the Chief, License Bureau, forthwith.

§ 1394.9035 Signature on coupon book. No coupon book shall be valid until the person to whom such book is issued has signed the certification provided for therein.

§ 1394.9036 Surrender of expired coupons. (a) No ration may be used and no coupon book shall be valid for the transfer of gasoline to a consumer after the expiration thereof.

(b) The person to whom a ration has been issued shall, within five (5) days after the expiration thereof, surrender to the Chief, License Bureau, all expired coupon books and all unused coupons representing such ration.

§ 1394.9037 Expiration of rations. All basic rations shall expire at midnight, September 30, 1943. All other rations shall expire at midnight of the date noted on the application therefor or on the coupon books issued therefor.

§ 1394.9038 Expiration of rations upon cessation of use or change in ownership.

(a) Upon cessation of use or change of ownership of any vehicle, boat or equipment, any ration issued for such vehicle, boat or equipment shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation or change, be surrendered to the Chief, License Bureau, by the person to whom such ration was issued. The transferee of such vehicle, boat or equipment shall be required to apply for a gasoline ration therefor on his own behalf, in accordance with the applicable provisions of these regulations: *Provided*, That such transferee may not obtain a ration unless a bona fide transfer is involved.

(b) In the case of the transfer of ownership of a registered motor vehicle for which a ration book has been issued, the Chief, License Bureau, shall refuse to transfer the vehicle license until the ration book has been surrendered.

(c) Upon cessation of use of a ration (other than a basic ration) for a purpose for which such ration may be obtained, such ration shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation, be surrendered to the Chief, License Bureau, by the person to whom such ration was issued.

§ 1394.9039 Expiration of ration upon termination of employment. Rations shall expire upon termination of the employment and/or termination of the authority to purchase gasoline in the Canal Zone, of a person to whom a ration has been issued, and such person shall surrender the ration to the head of the department or organization in which he is employed, or to his employer. The person receiving the ration so surrendered shall transmit it without delay to the Chief, License Bureau, with a report of the termination of employment.

§ 1394.9040 Denial of gasoline rations. (a) No person whose name has been recorded by the Chief, License Bureau, in accordance with the provisions of § 1394.9042 of these regulations for refusal to surrender a gasoline ration book,

or for failure or refusal, without good cause shown, to appear before such Chief, License Bureau, for examination, shall be entitled to obtain a ration of any type under these regulations, while his name remains thus recorded.

(b) No person who has been issued and has in his possession a ration book issued in the Republic of Panama shall be entitled to obtain a ration book in the Canal Zone.

§ 1394.9041 Suspension and revocation of rations. All coupon books issued shall remain the property of the United States. The Chief, License Bureau, may refuse to issue, and may suspend, cancel, revoke, or recall any ration and may require the surrender and return of any coupon book during suspension or pursuant to cancellation, whenever he deems it to be in the public interest to do so.

§ 1394.9042 Review by Chief, License Bureau, of applications for gasoline ration. (a) The Chief, License Bureau, may review an application for a gasoline ration of any class and may, in his discretion, require a holder of a gasoline ration to appear before him for examination in order to determine whether such holder was entitled to receive such ration. The Chief, License Bureau, may also require the holder of a ration to appear before him for examination in order to determine whether such ration is being used in accordance with the provisions of § 1394.9020. The Chief, License Bureau, shall give written notice to the holder of the time and place fixed for such appearance. The notice shall be deemed sufficient if mailed to the address shown on the application at least five (5) days prior to such time.

(b) If the Chief, License Bureau, finds that the ration holder was not entitled to receive the ration issued, or, if he finds that a ration issued is being used for a purpose other than one for which such ration may be obtained, he shall revoke such ration and shall direct that any coupons or coupon books issued therefor be surrendered to him. If he finds that the holder is entitled to a ration of a different class or quantity than that issued, he may issue such ration as he finds the holder entitled to receive pursuant to the provisions of these regulations in place of the ration revoked.

(c) The Chief, License Bureau, shall record the name of any ration holder who refuses to comply with his direction pursuant to paragraph (b) of this section or who fails or refuses to appear for examination in accordance with a notice sent pursuant to paragraph (a) of this section: *Provided*, That if a person whose name has been recorded for failure or refusal to appear for examination shows good cause for such failure or refusal his name shall be stricken from such record, upon compliance with the Chief's direction with respect to the disposition of his ration. Any person whose name remains recorded shall be prohibited from securing any ration under the provisions of these regulations or of any gasoline ration regulations hereafter promulgated.

§ 1394.9043 Restriction on transfer to consumers. On and after October 1, 1942,

and notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no person other than a dealer or distributor shall transfer or offer to transfer gasoline to a consumer.

§ 1394.9044 Transfers to consumers. On and after the effective date of these regulations, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, a dealer or distributor may transfer gasoline to a consumer and such consumer may accept such transfer of gasoline, only in exchange for valid coupons, except as provided in § 1394.9046.

§ 1394.9045 Transfers to consumers in exchange for coupons—(a) Coupons in books issued for registered motor vehicles. Transfer may be made in exchange for coupons contained in ration books except nonhighway books, under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value equal to the amount of gasoline transferred: *Provided*, That if the transferee is able to accept only a portion of the amount of gasoline represented by the unit value of a coupon, the transferor shall nevertheless detach an entire coupon. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor.

(2) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book presented: *Provided*, That bulk transfer may be made, of an amount of gasoline not in excess of one unit, to enable a vehicle stranded for lack of fuel to reach a source of supply; in such case the transferor shall retain the ration book presented until the vehicle is brought to the place of transfer, for identification.

(3) Transfer may be made only during the valid period noted on the cover of the book presented or, in the case of a Class A book, only during the period of validity of the coupon in exchange for which the transfer is to be made.

(b) *Coupons in non-highway books.* Bulk transfer may be made in exchange for coupons contained in Class E books, under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value equal to the number of gallons of gasoline transferred. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor.

(2) No transfer in exchange for coupons in a Class E book may be made into the fuel tank of, or knowingly made for use in, a registered motor vehicle, except a registered motorcycle, when a Class E coupon book is issued as a basic or supplemental ration.

§ 1394.9046 Transfers in exchange for acknowledgment of delivery. Transfers may be made in exchange for an ac-

knowledgment of delivery form, or in exchange for a temporary receipt issued in lieu thereof, in accordance with the provisions of § 1394.9019.

§ 1394.9047 Transfers from fuel tank to fuel tank of vehicles and boats forbidden. No gasoline contained in the fuel tank of any registered motor vehicle, inboard motorboat, outboard motor or non-highway equipment shall be transferred therefrom to the fuel tank of any registered motor vehicle, or any inboard motorboat or outboard motor operated in the Canal Zone.

§ 1394.9048 Preservation of coupons and certificates; reports. Each dealer and distributor, including Government agencies which distribute gasoline for other than official use, shall preserve all coupons, acknowledgments of delivery of gasoline, received in exchange for gasoline, which evidences shall be forwarded to the Chief, License Bureau, within ten (10) days after the close of each month with a report showing the quantity of gasoline on hand at the beginning of the month, the quantity accounted for by coupons and acknowledgments of delivery, the quantity issued for official use, and the quantity on hand at the close of the month. Wholesale distributors of gasoline shall include in reports submitted to the Chief, License Bureau, the quantity of gasoline transferred to each retail Government agency or contractor during the month.

§ 1394.9049 Invalidity of Class A coupons after expiration of validity. No dealer shall accept any coupon the period of validity of which, as shown on the face thereof, has expired.

§ 1394.9050 Adjustments and appeals. An applicant may appeal to the Canal Zone Gasoline Rationing Board from an adverse decision of the Chief, License Bureau, by filing with the Board a sworn statement in writing stating fully his objections to the decision and the grounds for the appeal. The statement must be filed not later than ten (10) days after notice of the decision.

The Board may request the applicant to appear before it or to furnish such additional information as may be deemed pertinent. The Board shall render its decision on the appeal within five (5) days after receipt of the statement and record, and, in case of apparent emergency, within twenty-four (24) hours, if possible. The Board shall promptly notify the applicant and the Chief, License Bureau, in writing, of its decision. In the event that a decision of the Chief, License Bureau, is reversed or modified by the Board, the record shall be sent to the Chief, License Bureau, for action consistent with its decision.

§ 1394.9051 Criminal prosecutions. (a) Any person who knowingly falsifies an application or any other record or certificate made pursuant to or required by the terms of these regulations, or who otherwise knowingly furnishes false information to the Chief, License Bureau, or other rationing authority, or who conspires with another person to per-

form any of the foregoing acts, may upon conviction be fined not more than \$10,000, or imprisoned for not more than ten years, or both, and shall be subject to such other penalties as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of these regulations, may upon conviction be fined not more than \$10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties as may be prescribed by all applicable statutes.

§ 1394.9052 Suspension orders. Any person who violates these regulations may by administrative suspension order be prohibited from receiving any deliveries of, or selling or otherwise disposing of, any gasoline.

§ 1394.9053 Denial of materials. The Chief, License Bureau, will recommend to the Canal Zone Rationing Board that any person who violates these regulations be denied the right to receive any new tires or tubes, retreaded or recapped tires and any other materials or commodities which are now or in the future may be rationed by the Canal Zone Rationing Board.

§ 1394.9054 Effective date. These regulations (§§ 1394.9001 to 1394.9054 inclusive) shall become effective October 1, 1942.

Issued this 21st day of October 1942.

GLEN E. EDGERTON,
Governor.

Approved:

PAUL M. O'LEARY,
Deputy Administrator in
Charge of Rationing.

[F. R. Doc. 42-10631; Filed, October 21, 1942;
12:09 p. m.]

PART 1415—PROTECTIVE COATINGS

[MPR 245]

SHELLAC

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of shellac by a maximum price regulation establishing dollars and cents maximum prices.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 245 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as

amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 245 is hereby issued.

Sec.

- 1415.101 Prohibition against sales of shellac above maximum prices.
- 1415.102 Applicability of the General Maximum Price Regulation.
- 1415.103 Less than maximum prices.
- 1415.104 Export sales.
- 1415.105 Import sales.
- 1415.106 Federal and state taxes.
- 1415.107 Adjustable pricing.
- 1415.108 Petitions for amendment.
- 1415.109 Licensing.
- 1415.110 Evasion.
- 1415.111 Enforcement.
- 1415.112 Records and reports.
- 1415.113 Definitions.
- 1415.114 Effective date.
- 1415.115 Maximum prices for sales of shellac.

AUTHORITY: §§ 1415.101 to 1415.115, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1415.101 Prohibition against sales of shellac above maximum prices. On and after October 26, 1942, regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell, deliver, or transfer any shellac at higher prices than the maximum prices set forth in Appendix A (§ 1415.115) of this Maximum Price Regulation No. 245.

(b) No person shall buy or receive any such shellac in the course of trade or business at higher prices than the maximum prices set forth in Appendix A (§ 1415.115) of this Maximum Price Regulation No. 245.

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That the provisions of this Maximum Price Regulation No. 245 shall not apply to sales or deliveries of shellac to a purchaser if prior to October 26, 1942 such shellac had been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1415.102 Applicability of the General Maximum Price Regulation. The provisions of this Maximum Price Regulation No. 245 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of shellac for which maximum prices are established by this regulation.

§ 1415.103 Less than maximum prices. Lower prices than those established by this Maximum Price Regulation No. 245 may be charged, demanded, paid or offered.

§ 1415.104 Export sales. The maximum price at which a person may export shellac shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,² issued by the Office of Price Administration.

§ 1415.105 Import sales. The provisions of this Maximum Price Regulation No. 245 supersede the provisions of Supplementary Regulation No. 12 to the

General Maximum Price Regulation with respect to sales, transfers and deliveries of shellac for which maximum prices are established by this regulation.

§ 1415.106 Federal and State taxes. Any tax upon, or incident to, the sale or delivery of shellac, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during the year 1941.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the year 1941 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 245.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount or tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 245.

§ 1415.107 Adjustable pricing. Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1415.108 Petitions for amendment. Persons seeking any modifications of this Maximum Price Regulation No. 245 or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1415.109 Licensing. The provisions of Supplementary Order No. 11 (§ 1305-15) licensing distributors of chemicals and drugs, shall be applicable to every distributor of shellac for which maximum prices are established by this Maximum Price Regulation No. 245. The term "distributor" shall have the mean-

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 971, 3663, 6967.

² 7 F.R. 5059, 7242.

ing given it by such Supplementary Order No. 11.

§ 1415.110 Evasion. Price limitations set forth in this Maximum Price Regulation No. 245 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to shellac, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege or other trade understanding or otherwise.

§ 1415.111 Enforcement. (a) Persons violating any provision of this Maximum Price Regulation No. 245 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 245 or any Price Schedule, Regulation or Order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1415.112 Records and reports. (a) Every person making sales of shellac after October 25, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received and the quantity of each type and grade of such shellac purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1415.113 Definitions. (a) When used in this Maximum Price Regulation No. 245, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Shellac" shall mean any of the various forms of processed lac including orange shellac, seedlac, button lac, machine-made shellac, and bleached shellac.

(3) "Lac" shall mean the resinous material produced by the insect "Laccifer Laccata."

(4) "Orange shellac" shall include both seedlac and the purified form of lac usually marketed in flakes or leaves in which the crimson dye has been partly

or completely removed by washing, and the resultant lac melted and stretched.

(5) "Bleached shellac" shall mean any form of processed shellac from which the cochineal dye and any other coloring matter has been completely removed by bleaching.

(6) "Grade" shall mean any one of the various named grades as established and specified by the United States Shellac Importers' Association as of the effective date of this Maximum Price Regulation No. 245.

(7) "Bag" shall mean a gunny bag containing approximately 164 pounds of shellac.

(8) "Case" shall mean a wooden box containing approximately 164 pounds of shellac.

(9) "Barrel" shall mean a wooden container holding a net weight of from 200 to 300 pounds of shellac.

(10) "Keg" shall mean a wooden container holding a net weight of approximately 100 pounds of shellac.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1415.114 Effective date of Maximum Price Regulation No. 245. (a) This Maximum Price Regulation No. 245 (§§ 1415.101 to 1415.115 inclusive) shall become effective October 26, 1942.

§ 1415.115 Appendix A: Maximum prices for shellac. Maximum prices for shellac are established as follows:

(a) Sales of orange shellac f. o. b. New York in lots of 100 or more bags in cents per pound.

Grade:	Cents per pound
London TN	35.5
Heart or F. O. Heart	35.5
Superfine	36.6
#1 Light Orange	40.0
Lemon	41.1
Rhino	41.1
ASO	42.2
A. C. Garnet	38.9
Button Lac	41.1
D. C	46.6
VSO	46.6
Diamond I	46.6
Genuine Bysacki 11500, N. Y. Test	33.0
Fine Bysacki 95 CC, N. Y. Test	34.1
Agmark #2	33.0
Kusmi 75 CC, N. Y. Test	37.5
Fine Kusmi, 60 CC, N. Y. Test	38.9
Genuine Bysacki 115 CC Briggs Calcutta Test	32.7
Genuine Bysacki 125 CC N. Y. Test	32.7
Bysacki Seedlac 150 CC N. Y. Test	30.75
Kusmi 75 CC Briggs Calcutta Test	37.2
Kusmi 85 CC New York Test	37.2
Kusmi 85 CC Briggs Calcutta Test	36.9
F. O. Delta	42.2
Favar	42.2
F. O. Delta Special	42.7
BL	42.7
Zinfo	42.2
MM Special	42.2
FO Beta	43.8
XL	45.0
Stiff	46.6
Vat	43.8
CVTN	43.8
EW Lac	46.6
CT	38.9
C Pure Garnet Lac	38.9

Grade—Continued.	Cents per pound
Quickover	44.4
Dewaxed Blonde	57.2
Dewaxed Super Blonde	62.2
Dewaxed Platinum	67.7
Dewaxed Lemon	55.5
Dewaxed Orange	53.3
Dewaxed Garnet Lac	46.6
#1 TN	43.8
AC Garnet Lac	40.0
AB-TN	46.6

(b) The maximum price of any grade of shellac not listed in paragraph (a) hereof shall be:

(1) 111% of the following: 32¢ per pound f. o. b. New York plus or minus the difference between the last price charged by the seller in 1941 for a sale of such grade of shellac and the price charged by the seller for the first sale prior thereto of T. N. London Shellac.

(2) If the seller made no sale of such grade in 1941, the maximum price shall be a price specifically approved by the Office of Price Administration upon application by the seller.

(c) For sales of shellac packed in cases there may be added two cents per pound to the maximum prices established in paragraph (a) and (b) hereof.

(d) For single sales of shellac in quantities of less than 100 bag or 100 case lots additions to the maximum prices established in paragraphs (a), (b), and (c) hereof may be made as follows:

(1) Sale of any quantity up to one bag or case—5 cents per pound.

(2) Sale of 1 to 9 bags or cases—2 cents per pound.

(3) Sale of 10 to 99 bags or cases—1 cent per pound.

(e) For sales of powdered orange shellac there may be added to the maximum prices established in paragraphs (a), (b), (e), and (d) hereof 9 cents per pound. This charge may be deemed to cover all costs incident to the powdering process including loss of weight and the cost of container for the powdered shellac.

(f) Sales of bleached shellac f. o. b. New York in lots of 1500 pounds or more packed in barrels in cents per pound.

Grade:	Cents per pound
Regular or bone dry bleached	42.5
Refined or Dewaxed Bleached	48.5
Hatters or Plastic Bleached	43.5
Arsenic and Rosin Free Bleached	45.5
Regular Hanks or Regular Fresh Ground Bleached	33.6
Refined Hanks or Refined Fresh Ground Bleached	39.0

(g) For sales of bleached shellac packed in bags the maximum prices established in paragraph (f) hereof shall be reduced by ¼ cent per pound.

(h) For sales of bleached shellac packed in kegs the maximum prices established in paragraph (f) hereof may be increased by 2 cents per pound.

(i) For single sales of bleached shellac in quantities of less than 1500 pounds additions to the maximum prices hereinabove established may be made as follows:

(1) Packed in bags—3/4 cent per pound.

(2) Packed in barrels—1 cent per pound.

(3) Packed in kegs—3 cents per pound.

(4) Less than 100 pounds, however packed—5 cents per pound.

(j) The maximum prices established in this Appendix A may not be increased by reason of any charge for containers except that where sales of shellac are made to the United States or any agency thereof if the contract of sale requires special packaging a charge may be made for the actual cost of such packaging provided that it is separately stated on the invoice.

(k) The maximum prices for shellac where delivery is made at a point other than New York City shall be the f. o. b. New York price for such shellac as hereinabove established in this Appendix A plus an amount equal to the lowest available common carrier transportation charge on a like shipment of like grade and quantity similarly packaged from New York City to such point.

(l) The maximum prices established by this Appendix A may not be increased by reason of any extension of credit to the buyer by the seller.

Issued this 21st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10629; Filed, October 21, 1942;
12:07 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183; Amendment 6]

MILK IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (5) is added to paragraph (a) of § 1418.1; subparagraphs (9), (10), (11), (12), (13), (14), (15), and (16) are added to paragraph (a) of § 1418.11; paragraph (e) is added to § 1418.14; paragraph (f) is added to § 1418.13a.

§ 1418.1 Maximum prices. (a) Maximum prices are established as follows:

(5) On and after October 21, 1942, regardless of any contract, agreement, lease, or other obligation, or of any price regulation heretofore issued by the Office of Price Administration, no person shall sell or deliver bulk or bottled milk, whether raw or pasteurized, or require a deposit on any glass bottle container used in connection therewith, in the Territory of Puerto Rico, and no person shall buy or receive such fluid milk or leave a deposit on any glass bottle container used in connection therewith, in the Territory of Puerto Rico, at prices or in amounts higher than the maximum prices set forth in § 1418.14 (e); and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

*Copies may be obtained from the Office of Price Administration.

¹7 F.R. 5620, 6744, 6659, 7454, 7843, 7945.

§ 1418.11 Definitions. (a) When used in this Maximum Price Regulation No. 183, the term * * *

(9) "Milk" means cow's milk produced, processed, distributed, and sold for consumption in fluid form as whole milk.

(10) "Pasteurized milk" means milk that has been pasteurized by submitting it to a temperature between 142° F. and 145° F. for thirty minutes, and that has been immediately cooled and thereafter maintained at a maximum temperature of 53.6° F. or of 12° C., and has not been repasteurized.

(11) "Raw milk" means milk that has not been pasteurized.

(12) "Bulk milk" means milk sold from containers having a liquid measure of more than one (1) quart.

(13) "Bottled milk" means milk specially bottled for sale and delivery to consumers in glass bottle or paper containers of quart, pint, or half-pint size.

(14) "Producer of milk" means any person who is in the business of selling milk to distributors.

(15) "Distributor of milk" means any person, not excluding a producer of milk, who sells at wholesale, or who sells and delivers directly to ultimate consumers, not through a store.

(16) "Store" means any retail establishment, including a puesto, booth, stall, stand, or any retail outlet of any distributor of milk, selling milk at retail to ultimate consumers.

§ 1418.14 Tables of maximum prices.

(e) Table V: Maximum prices for milk:

	Quart	Pint	Half-pint
Raw bulk milk:			
Sale by producer.....	12	Cents	Cents
Sale by store.....	15	8	4
Raw bottled milk:			
Sale by distributor to store.....	14	7	3½
Sale and delivery by distributor to consumer.....	17	9	5
Sale by store to consumer.....	16	8	4
Pasteurized bottled milk:			
Sale by distributor to store.....	15	8	4
Sale and delivery by distributor to consumer.....	18	10	5
Sale by store to consumer.....	17	9	5

(1) **Deposits on glass bottle containers.** No deposit in excess of 5 cents on any glass bottle container delivered in connection with the sale of bottled milk shall be required, and no person shall deposit more than 5 cents for any such glass bottle container. The deposit shall be refunded by the seller upon the return of such glass bottle container.

(2) **Charges for long distance deliveries.** No increase in the prices set forth in paragraph (e) of § 1418.14 of this Maximum Price Regulation No. 183 shall be made, nor shall any charges for deliveries be collected, regardless of the distance required to be traveled in the delivery of milk to any purchaser: *Provided, however,* That, in connection with the sale and delivery of milk to the armed forces of the United States and to municipal and Insular institutions, the following charges may be added:

Less than 20 kilometers..... No charge.

20 kilometers and less than 60

kilometers..... 1¢ per quart.

60 kilometers and less than 100
kilometers..... 2¢ per quart.
100 kilometers or more..... 3¢ per quart.

The above distance shall be computed, not from the place of business of the seller, but from the nearest business establishment of any distributor of similar milk via the shortest route to the point of delivery.

(3) The prices set forth in paragraph (e) of § 1418.14 of this Maximum Price Regulation No. 183 are gross prices, before discounts of any nature, and include all commissions and other charges.

§ 1418.13a Effective dates of amendments. * * *

(f) Amendment No. 6 (§§ 1418.1 (a) (5); 1418.11 (a) (9), (10), (11), (12), (13), (14), (15), and (16); and 1418.14 (e)) shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10627; Filed, October 21, 1942;
12:07 p. m.]

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[MPR 244]

GRAY IRON CASTINGS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of gray iron castings by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation No. 244 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. So far as practical, the Price Administrator has advised and consulted with members of the industry which will be affected by this Regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 244 is hereby issued.

Sec.

1421.151 Maximum prices for gray iron castings.

1421.152 Applicability of the General Maximum Price Regulation.

1421.153 Less than maximum prices.

1421.154 Export sales.

1421.155 Federal and state taxes.

1421.156 Adjustable pricing.

1421.157 Petitions and applications for amendment, adjustment or exception.

1421.158 Evasion.

¹7 F.R. 971, 3663, 6967.

Sec.	
1421.159	Enforcement.
1421.160	Records and reports.
1421.161	Filing of prices and pricing methods.
1421.162	Transfers of business or stock in trade.
1421.163	Maximum prices for new sellers other than transferees.
1421.164	Definitions.
1421.165	Effective date.
1421.166	Appendix A: Maximum prices for gray iron castings.
1421.167	Appendix B: Procedure for adjustment of maximum prices under § 1421.157 (a).
1421.168	Appendix C: Form for request for review of order denying application for adjustment.
1421.169	Appendix D: Regional Offices and States and Territories covered.

AUTHORITY: §§ 1421.151 to 1421.169, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1421.151 Maximum prices for gray iron castings. (a) On and after October 26, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver gray iron castings, and no person shall buy or receive gray iron castings in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1421.166; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That (1) if the purchaser shall receive from the seller a written affirmation that to the best of his knowledge, information and belief the price charged does not exceed the maximum price established by this Maximum Price Regulation No. 244 and that the seller has complied with all other provisions (including the filing requirements of § 1421.161) of this regulation, and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, the purchaser shall have complied with this section; and (2) where the contract of sale has been entered into on or before October 25, 1942, the parties thereto may make and accept deliveries of the castings required or specified in such contract and the seller may render bills or invoices for such castings to the purchaser at the contract price, subject to adjustment of said price in accordance with the maximum prices established by this Maximum Price Regulation No. 244 within a period not to exceed 30 days after the billing or invoicing.

(b) The provisions of paragraph (a) of this section prohibiting purchasers from paying in excess of the maximum prices shall not be applicable to any war procurement agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any or every liability, civil or criminal, imposed by this Maximum Price Regulation No. 244 or by the Emergency Price Control Act of 1942, as amended.

(c) The provisions of this section shall not be applicable to sales or deliveries of gray iron castings to a purchaser if prior to October 26, 1942, such castings have been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1421.152 Applicability of General Maximum Price Regulation. The provisions of this Maximum Price Regulation No. 244 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1421.153 Less than maximum prices. Lower prices than those set forth in this Maximum Price Regulation No. 244 may be charged, demanded, paid or offered.

§ 1421.154 Export sales. The maximum price at which a person may export any gray iron castings shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.²

§ 1421.155 Federal and State taxes. Any tax upon, or incident to, the sale, delivery, processing, or use of a gray iron casting, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such casting:

(a) *As to a tax in effect between August 1, 1941 and February 1, 1942, inclusive.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the period from August 1, 1941 to February 1, 1942, inclusive, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 244.

(2) In all other cases if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 244.

(b) *As to a tax or increase in a tax which becomes effective after February 1, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and col-

lected from the seller by the vendor from whom he purchased.

§ 1421.156 Adjustable pricing. Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. Where a petition or application for amendment or for adjustment or for exception under § 1421.157 has been duly filed, a seller may make sales, deliveries or offers of sale at prices adjustable in accordance with the disposition of such petition or application and shall refund to the purchaser any moneys or other consideration paid which are in excess of the maximum price.

§ 1421.157 Petitions and applications for amendment, adjustment or exception. (a) Any person seeking relief from a maximum price or prices established under this Maximum Price Regulation No. 244 for a particular gray iron casting or particular group of gray iron castings, may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Appendix B, incorporated herein as § 1421.167, and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant.

(b) Any person seeking general relief from the maximum prices or from the formula or method of determining maximum prices established under this Maximum Price Regulation No. 244 may present the special circumstances of his case in a petition for an order of adjustment or exception. Such petition shall be filed with the Office of Price Administration, Washington, D. C., in accordance with Procedural Regulation No. 1,³ and shall set forth the facts relating to the hardship to which such maximum prices or formula or method subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 as amended and of this Maximum Price Regulation No. 244 to eliminate the danger of inflation.

(c) Persons seeking any modification of this Maximum Price Regulation No. 244 or an adjustment or exception not provided for therein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,³ issued by the Office of Price Administration.

(d) Supplementary Order No. 9⁴ issued by the Office of Price Administration dealing with applications for adjustment of maximum prices of commodities sold pursuant to Government contracts or subcontracts shall not be applicable with respect to gray iron castings.

§ 1421.158 Evasion. The price limitations set forth in this Maximum Price Regulation No. 244 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to gray iron cast-

² 7 F.R. 971, 3663, 6967.

³ 7 F.R. 5444.

ings, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement, or other trade understanding or otherwise; without limiting the generality of the foregoing, the price limitations set forth in Maximum Price Regulation No. 244 shall not be evaded by improper classification of any gray iron casting, improper application of extras, splitting of orders into small quantities or exchange of patterns in order to increase prices, or by decreasing or discontinuance of cash discounts.

§ 1421.159 Enforcement. (a) Persons violating any provisions of this Maximum Price Regulation No. 244 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 244 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1421.160 Records and reports. (a) Each person selling gray iron castings shall preserve and keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942 as amended remains in effect, all available records of prices, costs, pricing methods, delivery charges, allowances and discounts, on all sales of gray iron castings made by such seller during the period from August 1, 1941 to February 1, 1942, inclusive.

(b) Each person making a sale of gray iron castings on or after October 26, 1942, shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942 as amended remains in effect, complete and accurate records of each such sale, showing (1) the date thereof, (2) the name and address of the buyer and seller, (3) the list price or prices, if any, on the date of sale, (4) net price or prices after adjustment for discounts or other allowances, and (5) where the sale is made pursuant to a contract or agreement entered into on or after October 26, 1942, and the total selling price exceeds fifty dollars, records substantiating the maximum prices if the castings are priced under paragraph (a) of Appendix A (§ 1421.166) or summary of the calculations made in computing the maximum prices if the castings are priced under paragraph (b) of Appendix A. The data specified in (1), (2), (3) and (4) of this paragraph (b) shall be kept for inspection by the Office of Price Administration for the same period by each person making a purchase of gray iron castings in the course of trade or business.

(c) Each person making a purchase or sale of gray iron castings in the course of trade or business shall submit such

reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1421.161 Filing of prices and pricing methods. (a) Each person selling gray iron castings shall file with the appropriate Regional Office of the Office of Price Administration within thirty days after the effective date of this Maximum Price Regulation No. 244, three copies, duly certified as being true and correct, of his published price lists in effect between August 1, 1941 and February 1, 1942, inclusive, and a statement, duly signed and sworn to, submitted in triplicate, of his customary extras, discounts and allowances in effect during such period; if such person had no such published price lists or no such customary extras, discounts and allowances, he shall file a sworn statement to that effect with the appropriate Regional Office. A list of the Regional Offices of the Office of Price Administration and the states and territories covered is set forth in Appendix D, incorporated herein as § 1421.169.

(b) Each person selling gray iron castings shall file with the appropriate Regional Office of the Office of Price Administration within sixty days after the effective date of this Maximum Price Regulation No. 244, three copies of a form to be supplied by or obtained at any Regional Office of the OPA, showing in the detail required by such form information as to wage rates, overhead rates, cost of materials, profit margins and pricing methods in effect for such seller at each of his foundries on February 1, 1942.

§ 1421.162 Transfers of business or stock in trade. If the business, assets, or stock in trade of any person producing gray iron castings are or have been sold or otherwise transferred after February 1, 1942, and the transferee carries on the business or continues to produce the same type of gray iron castings in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record and filing of price provisions of this regulation.

§ 1421.163 Maximum price for new sellers other than transferees. Every person engaged in, or who proposes to engage in, the business of selling gray iron castings who was not in such business at his present foundry on February 1, 1942, and who is not a transferee as described in § 1421.162, shall apply to the Office of Price Administration, Washington, D. C., for a method, and

shall adhere to the method so given, of determining maximum prices for gray iron castings sold by him.

§ 1421.164 Definitions. (a) When used in this Maximum Price Regulation No. 244 the term:

(1) "Administrator" means the Price Administrator of the Office of Price Administration, Washington, D. C., or such person as he may appoint or designate to carry out any of his duties.

(2) "Appropriate Regional Office" means the Regional Office of the Office of Price Administration for the region in which is located the foundry of the seller.

(3) "Gray iron castings" means all ferrous or ferrous base castings other than steel, malleable or high alloy castings,⁶ sold either with or without subsequent processing thereon, such as (without limitation), machining, galvanizing, plating, japanning and treating, but does not include gray iron castings sold by the manufacturer of another commodity as component parts of such other commodity or as repair parts for such other commodity when such repair parts are covered by a maximum price regulation or price schedule other than the General Maximum Price Regulation.

(4) "Export" or "export sale" means any sale of a gray iron casting located within the Continental United States by a seller in the Continental United States to a purchaser outside thereof in which the casting sold is transported from the Continental United States to a point outside thereof and includes any sale of the exported casting by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the casting from the Continental United States: Provided, That it shall not include such a sale if the agent or subsidiary has processed, fabricated or otherwise substantially changed the form of the casting exported, or if the sale by the agent or subsidiary is through a regularly established retail outlet owned or operated by the agent or subsidiary.

(5) "Machinery service" means any operation in the processing, machining, welding, treating, finishing, testing, inspecting, adjusting, maintaining, repairing or rebuilding of a gray iron casting owned by another or of a product owned by another, which, as a result of such operation, becomes a gray iron casting.

(6) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

(7) "Pricing method" means the formula by which the seller computes a price for gray iron castings, whether such formula is described to the purchaser or is

⁶The terms "steel castings" (including manganese steel castings), "malleable iron castings" and "high alloy castings" are defined in maximum price regulations issued by the Office of Price Administration, and reference should be made to such definitions.

merely the seller's device for computing costs of labor and materials, other costs, and margin, mark-up or profit.

(8) "Published price list" means a list or schedule of prices for a number of gray iron castings, whether or not the prices contained therein are tentative or subject to change without notice, in which such castings are designated either by weight or quantity or both, or by name or pattern number, submitted by the seller to more than one purchaser or prospective purchaser of the types of castings represented in the schedule.

(9) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for gray iron castings during the period from August 1, 1941 to February 1, 1942, for sales to different purchasers or kinds of purchasers (for example, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(10) "Sold or offered for sale" means (i) entering into a contract of sale, or (ii), if no contract of sale is entered into, an offer of sale made in writing, or (iii), if neither a contract of sale is entered into or an offer of sale made, included in a published list price.

(11) "Substantially the same" when used with reference to two or more gray iron castings, means that they are substantially the same in design, specifications and weight, and that they are produced by the same type of pattern equipment.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 as amended shall apply to other terms used herein.

§ 1421.165 Effective date. This Maximum Price Regulation No. 244 (§§ 1421.151 to 1421.169, inclusive) shall become effective October 26, 1942.

§ 1421.166 Appendix A: Maximum prices for gray iron castings—(a) Castings substantially the same as those which the seller sold or offered for sale at any time during the period from August 1, 1941 to February 1, 1942, inclusive. The maximum price for each such casting shall be the highest net price (after adjustment for all applicable customary charges, discounts, quantity differentials and other allowances in effect for the seller between August 1, 1941 and February 1, 1942, inclusive) at which the seller sold or offered for sale^a such casting to a purchaser of the same class during the period from August 1, 1941 to February 1, 1942, inclusive: *Provided*, That if the seller sold or offered for sale such casting during such period to a specified purchaser, he may not exceed the highest selling or offering price to such purchaser on sales or deliveries to such purchaser.

(b) *Castings which are not substantially the same as those which the seller*

^aThe term "sold or offered for sale" is defined in § 1421.164 (a) (10) and wherever this term is used reference should be made to this definition.

sold or offered for sale at any time during the period from August 1, 1941 to February 1, 1942, inclusive. The maximum price for each such casting shall be computed by the seller on the following basis:

(1) *Pricing method.* (i) The seller shall employ the applicable pricing method which was in use at the foundry on February 1, 1942, and which has been or will be filed with the Office of Price Administration in accordance with § 1421.161 herein, employing each of the pricing factors reflected in such method at the levels prevailing at such time, except as specified in subparagraph (5) hereinbelow, including: direct labor rates (applied in accordance with subparagraph (2) below); direct material costs (applied in accordance with subparagraph (3) below); overhead (burden) rates (applied in accordance with subparagraph (4) below); subcontracted machinery service costs (applied in accordance with subparagraph (5) below); and mark-up, margin or profit (applied in accordance with subparagraph (6) below).

(ii) The price arrived at by use of the pricing method shall be adjusted for all applicable charges, discounts, quantity differentials or other allowances in use at the foundry on February 1, 1942 in sales to a purchaser of the same class.

(2) *Direct labor rates.* (i) Direct labor costs shall be based upon the labor rates prevailing in the foundry on February 1, 1942, for each classification of direct labor. If on February 1, 1942 average or piece rates were used, such average or piece rates must be applied, and, in computing such piece rates, the seller shall use the base hourly rates and method in effect for him on February 1, 1942. In determining whether items of labor cost are direct or indirect, the seller shall employ the same classification and criteria which he used on February 1, 1942.

(ii) The amount of overtime labor required may be taken into account in computing the cost of labor: *Provided*, That (1) overtime labor costs shall be computed on the basis of the labor rates prevailing in the foundry on February 1, 1942 for the applicable classifications of labor, and (2) no mark-up, margin, overhead or profit factors shall be based upon that part of the labor cost which is in excess of the straight-time cost.

(3) *Direct material costs.* The seller shall compute direct material costs on a basis no higher than the costs to him of such materials on February 1, 1942, not to exceed the applicable maximum prices thereof established by the Office of Price Administration, and, in determining whether items of material costs are direct or indirect, the seller shall employ the same classifications and criteria which he used on February 1, 1942.

(4) *Overhead (burden) rates.* The seller shall employ overhead or burden rates not in excess of the overhead or burden rates used in his pricing method on February 1, 1942, and he shall compute and apply such rates by the identical method which he used on that date.

(5) *Subcontracted machinery service costs.* To the extent that the pricing method includes or is based on prices

paid for subcontracted machinery services, the seller shall use the actual prices paid or to be paid for such services, not in excess of the maximum prices established for such services by the Office of Price Administration, together with such additional charge, if any, as was in effect for such seller on February 1, 1942 for such subcontracted machinery services: *Provided*, That no overhead, mark-up, margin or profit may be figured on such additional charge.

(6) *Mark-up, margin or profit.* The seller shall use the mark-up, margin or profit which he used at the foundry on February 1, 1942, for the same type or classification of castings and customers, and which has been or will be filed with the Office of Price Administration in accordance with § 1421.161 herein.

(c) *Reports and recomputation of maximum prices of gray iron castings priced in accordance with paragraph (b) of this section.* (1) When a seller first computes a maximum price for any such casting for which he has no previous production experience, he shall compute such maximum price in accordance with the provisions of paragraph (b) of this section and he shall employ in his pricing method his best estimates of the number of man-hours of labor, amount of defectives, and quantities of materials and other costs which will be required or incurred in the production of such casting. The seller shall, however, on subsequent contracts of sale for the same casting made after actual production thereof, recompute the maximum price of such casting in accordance with the provisions of paragraph (b) of this section, employing in his pricing method the number of man-hours of labor, amount of defectives, and kinds and quantities of materials and other costs actually required or incurred in the production of such casting: *Provided*, That the seller shall not be required to recompute such maximum price as hereinbefore specified after he has gained sufficient production experience with such casting to enable him to calculate his costs thereof with reasonable accuracy.

(2) In any case in which a seller, in accordance with the preceding subparagraph (1) of this paragraph (c), recomputes a maximum price which is higher than the maximum price earlier estimated, he shall file a report with the appropriate Regional Office of the Office of Price Administration containing:

(i) Description of the gray iron casting;

(ii) The maximum price prior to the price increase;

(iii) The new maximum price;

(iv) An explanation of the higher price (in terms of the pricing method and of the appropriate cost factors reflected in such pricing method): *Provided*, That if the price of the gray iron casting previously has been reported pursuant to this subparagraph (2) without objection from the Office of Price Administration, the seller shall not be required to report subsequent sales or deliveries at the same or a lower price.

(d) *Exceptions.* Any person who, by order of the office of Price Administration, Washington, D. C., or any of its Re-

FEDERAL REGISTER, Friday, October 23, 1942

gional Offices, has been granted an adjustment of, or exception from, the maximum prices established by the General Maximum Price Regulation on sales of gray iron castings (this does not include orders granting a method of pricing under § 1499.3 (b) of the General Maximum Price Regulation), may continue to sell and deliver gray iron castings at prices not to exceed the maximum prices specified in such order and in accordance with the terms of such order.

§ 1421.167 Appendix B: Procedure for adjustment of maximum prices under § 1421.157. (a) An application for adjustment pursuant to § 1421.157 (a) herein, shall be made on, and in the detail required by, forms to be obtained from the Office of Price Administration, Washington, D. C., or from any of its Regional Offices.

(b) *Application must be verified.* An application for adjustment shall be signed by the applicant and shall contain a statement, signed and sworn to by the applicant, that the statements made in the application are known by him to be true and correct.

(c) *Place for filing application and number of copies.* An original and two copies of an application for adjustment may be filed either with the appropriate Regional Office of the Office of Price Administration or with the Office of Price Administration, Washington, D. C. Any application filed in Washington, D. C., may be transmitted by the Office of Price Administration to the appropriate Regional Office for action by that Office.

(d) *Action by Regional Offices.* After due consideration, the Regional Office may, by order, grant, in whole or in part, or deny any application for adjustment which is properly pending before it. The decision of the Regional Office shall be accompanied by a statement of the reasons for its action. In cases of unusual difficulty or importance, the Regional Office shall refer the application for decision to the Administrator in Washington, D. C.

(e) *Review by Administrator.* Any applicant whose application for adjustment has been denied in whole or in part by the Regional Office may, within fifteen days after the date on which such order of denial was mailed to him, file with the Regional Office a request for review by the Administrator of the order of denial. Requests for review shall be filed on O. P. A. Form 344:1 set out in Appendix C, incorporated herein as § 1421.168. Such form may be obtained from any field office of the Office of Price Administration or may be copied by the applicant from Appendix C.

(f) *Action by Administrator.* After due consideration, the Administrator may, by order, grant in whole or in part, or deny any application for adjustment which:

(1) Is properly before the Administrator on request for review of action by a Regional Office;

(2) Is filed with the Office of Price Administration, Washington, D. C., and not transmitted to a Regional Office for action; or

(3) Is filed with the appropriate Regional Office but is referred for decision to the Administrator by that Office. The decision of the Administrator shall be accompanied by a statement of the reasons for his action.

(g) *Protest of denial of application.* Any applicant whose application for adjustment is denied in whole or in part by the Administrator may, within sixty days after the issuance of the Administrator's order finally denying such application, file a protest against such order in accordance with the provisions of Procedural Regulation No. 1 (7 F.R. 971).

§ 1421.168 Appendix C.

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

O. P. A. Form 344:1

(To be filed with the appropriate Regional Office)

Request for Review of the Order Denying Application for Adjustment

_____, an applicant for adjustment of a maximum price pursuant to section 1421.157 (a) of Maximum Price Regulation No. 244 of the Office of Price Administration, hereby requests the Price Administrator, Washington, D. C., to review an order of denial of such application for adjustment entered by the _____ Regional Office and mailed to the applicant on _____, 194_____.

The applicant's objections to such order of denial are as follows:

(Applicant should state briefly and concisely, and separately number his objections.)

By _____
(Title)

§ 1421.169 Appendix D.

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Regional Offices and States and Territories Covered

Region I. Boston Regional Office, 17 Court Street, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

Region II. New York Regional Office, 350 Fifth Avenue, New York, New Jersey, Pennsylvania, Delaware, Maryland, and District of Columbia.

Region III. Cleveland Regional Office, 363 Union Commerce Building, Ohio, Michigan, Indiana, Kentucky and West Virginia.

Region IV. Atlanta Regional Office, Candler Building, Peachtree Street, Georgia, Alabama, Mississippi, Florida, Tennessee, North Carolina, South Carolina and Virginia.

Region V. Dallas Regional Office, Fidelity Union Building, Texas, Oklahoma, Louisiana, Missouri, Arkansas, and Kansas.

Region VI. Chicago Regional Office, 2301 Civic Opera Building, 20 North Wacker Drive, Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, and Nebraska.

Region VII. Denver Regional Office, 334 U. S. National Bank Building, Colo-

rado, New Mexico, Utah, Idaho, Montana, and Wyoming.

Region VIII. San Francisco Regional Office, 1355 Market Street, California, Nevada, Arizona, Oregon, and Washington.

Region IX. Territorial Office, Office of Price Administration, Washington, D. C., Alaska, Puerto Rico, Virgin Islands, Canal Zone and Hawaii.

Issued this 21st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10630; Filed, October 21, 1942;
12:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 89 Under GMPR]

ALPINE DAIRY—SEATTLE SCHOOL DISTRICT
NO. 1

Order No. 89 Under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-19691.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.939 Adjustment of maximum prices for fluid milk, buttermilk, commercial cream, and whipping cream sold to the Seattle School District No. 1 of Seattle, Washington, by Hans Forster, d. b. a. the Alpine Dairy, of Seattle, Washington. (a) Hans Forster, d. b. a. Alpine Dairy, Seattle, Washington, may sell and deliver to the Seattle School District No. 1, Seattle, Washington, and School District No. 1, Seattle, Washington, fluid milk, buttermilk, commercial cream, and whipping cream at prices not to exceed those set forth below:

	Milk	Commercial cream	Whipping cream	Buttermilk
Half pints.....	.032	.12	.18
Pints.....	.065	.21	.31
Quarts.....	.1075	.39	.58	.07

(b) Hans Forster, trading as Alpine Dairy, Seattle, Washington, shall mail or cause to be mailed to School District No. 1 of Seattle, Washington a notice reading as follows:

The Office of Price Administration has permitted the undersigned to raise his maximum price for sales to you of fluid milk, whipping cream, commercial cream, and buttermilk from the respective amounts set forth in Table A to the amounts set forth in Table B below:

TABLE A

	Milk	Commercial cream	Whipping cream	Buttermilk
Half pints.....	.0245	.10	.16
Pints.....	.05	.18	.28
Quarts.....	.0875	.35	.53	.05

TABLE B

	Milk	Commercial cream	Whipping cream	Buttermilk
Half pints.....	.032	.12	.18
Pints.....	.065	.21	.31
Quarts.....	.1075	.39	.58	.07

These amounts represent only that part of cost increases which the undersigned was unable to absorb, and it was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum retail prices for sales of fluid milk, whipping cream, commercial cream, or buttermilk. In order that the undersigned may continue to provide you with said commodities, it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 89 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 89 (\$1499.939) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 89 (\$1499.939) shall be effective as of September 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10628; Filed, October 21, 1942;
12:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, Supp. Service Reg. 3]

SALT LAKE CITY, UTAH; ASH, DEBRIS, GARBAGE
AND TRASH REMOVAL

Supplementary Service Regulation No. 3 to Maximum Price Regulation No. 165 as amended—Services.

A statement of the considerations involved in the issuance of Supplementary Service Regulation No. 3 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Supplementary Service Regulation No. 3 is hereby issued.

§ 1499.653 Modification of maximum prices established by Maximum Price Regulation No. 165 as amended, for ash, debris, garbage, and trash removal. (a) The maximum prices established by Maximum Price Regulation No. 165 as amended—Services, for ash, debris, garbage or trash removal are modified as hereinabove provided:

(1) Salt Lake City, Utah—(i) maximum prices. Pending final determina-

*Copies may be obtained from the Office of Price Administration.

tion by the Office of Price Administration of requests made by numerous persons for adjustment of maximum prices for ash, debris, garbage and trash removal in Salt Lake City, Utah, the maximum prices for such services during the period from October 12 to November 20, 1942, both dates inclusive, shall be either (a) the maximum price established for such service under § 1499.102 of Maximum Price Regulation No. 165 as amended—Services, or (b) a price reported to the State Office of the Office of Price Administration for the State of Utah within five (5) days of the date of the issuance of this Supplementary Service Regulation No. 3 or the establishment of such price by the seller of such service, whichever is later: *Provided, however,* That, if disapproved by the Regional Administrator pursuant to subdivision (ii) hereof, a price reported under this inferior subdivision (i) (b) shall not thereafter be a maximum price.

(ii) *Review by Regional Administrator.* A maximum price established pursuant to inferior subdivision (i) (b) hereof shall be subject to review by the Regional Administrator of the Seventh Regional Office of the Office of Price Administration, and said Regional Administrator may disapprove such price by written notice mailed to the person reporting such price within five (5) days after such price is reported to the State Office of the Office of Price Administration for the State of Utah.

(iii) *Form of report.* The report required in inferior subdivision (i) (b) hereof shall be filed in duplicate with the State Office of the Office of Price Administration for the State of Utah, Atla's Building, Salt Lake City, Utah; shall show the name of each purchaser of the service, the class of service rendered, the frequency of collection, the highest prices in effect to a purchaser of the same class during March, 1942, and the reported price; and shall be made on a form substantially as follows:

FORM FOR FILING TEMPORARY MAXIMUM PRICES FOR SCAVENGER SERVICE—SALT LAKE CITY, UTAH

Name of customer	Class of service	Frequency of collection	March 1942 price	Requested temporary price

(b) This Supplementary Service Regulation No. 3 (\$1499.653) shall become effective on October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10635; Filed, October 21, 1942;
8:45 p. m.]

Chapter XV—Board of War Communications

[Order No. 21]

PART 1715—EXEMPTION FROM ORDER NO. 11

FEDERAL-STATE MARKET NEWS SERVICE

Whereas, by Order No. 11¹ the Board of War Communications ordered the closure, effective midnight July 30, 1942, of all point-to-point radiotelegraph circuits within the continental United States in the Agriculture Service as defined by the Rules and Regulations of the Federal Communications Commission; and

Whereas, it is also provided by said order that upon recommendation by the Federal Communications Commission the Board may exempt a particular circuit or circuits from the closure provision of the order; and

Whereas, by Order No. 16² the Board exempted, until midnight October 30, 1942, the circuits operated by the Federal-State Market News Service from the closure provision of Order No. 11, pending further investigation and recommendation by the Federal Communications Commission; and

Whereas, The Federal Communications Commission has, upon investigation, recommended the exemption of the circuits of the Federal-State Market News Service from the closure provision of Order No. 11, upon the condition that the traffic over such circuits shall be transmitted in plain language and shall consist only of statistical reports and other material furnished by the Department of Agriculture or its agents;

It is hereby ordered. That:

§ 1715.1 Exemption of point-to-point radiotelegraph in the Agriculture Service. The point-to-point radiotelegraph circuits in the Agriculture Service operated by the Federal-State Market News Service be, and they are hereby, exempted from the closure provision of Order No. 11.

Provided, however, That the aforesaid circuits shall be operated only for the transmission in plain language of statistical reports and other material furnished by the Department of Agriculture or its agents.

Subject to such further order as the Board may deem appropriate. (E.O. 9183; 7 F.R. 4509)

Board of War Communications.

JAMES LAWRENCE FLY,
Chairman.

Attest: October 15, 1942.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 42-10658; Filed, October 22, 1942;
11:15 a. m.]

¹ 7 F.R. 4929.

² 7 F.R. 6009.

**TITLE 33—NAVIGATION AND
NAVIGABLE WATERS**

**Chapter I—Coast Guard, The Department
of the Navy**

**PART 6—REGULATIONS FOR SECURITY OF
PORTS AND THE CONTROL OF VESSELS
IN THE NAVIGABLE WATERS OF THE
UNITED STATES**

SUBPART C—ANCHORAGE AREAS

Pursuant to the authority contained in section 1, Title II of the Espionage Act approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), as amended by the Act of November 15, 1941 (55 Stat. 763), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), respectively, the Regulations relating to the control of vessels in the navigable waters of the United States, approved September 29, 1942 (7 F.R. 8026) are hereby amended as follows:

By adding the following sections to Subpart C of Part 6:

§ 6.5-13 United States Naval Proving Ground, Dahlgren, Virginia—(a) *The danger zones.* The firing range of the United States Naval Proving Ground at Dahlgren, Virginia, involves that portion of the Potomac River below the Maryland-Virginia bridge on U. S. Highway 301 as described herein. This range constitutes a danger area composed of two zones to be known as the Upper and Lower Danger Zones.

(1) The Upper Danger Zone in which firing is normally conducted daily except Sunday, is defined as follows, beginning at the intersection of the new Potomac River bridge with the Virginia shore; thence to Lower Cedar Point Light House; thence to white spar Buoy 1-A about 2,300 yards east southeast of lower Cedar Point beacon; thence to a line of white spar buoys known as line of fire buoys, No. 1 Buoy 1,500 yards southwest by west of Swan Point, No. 2 Buoy, 1,700 yards south of Potomac View, No. 3 Buoy, about 1,300 yards south by west of lower end of Cobb Island; thence on a line to nun Buoy No. 4-A abreast of Blakiston Island abandoned light house; thence southwesterly to Hollis Marsh along a line of white spar buoys off the Virginia shore as follows: White spar Buoy D, about 3,000 yards off Popes Creek; thence to white spar Buoy C, 3,500 yards off Church Point; thence to white spar Buoy B, 800 yards off Colonial Beach; thence to white spar Buoy A, 1,000 yards off Bluff Point; thence on a line to the seaplane hangar at the Proving Ground.

(2) The Lower Danger Zone in which long range firing is normally conducted at infrequent intervals embraces the Naval Torpedo Range at Piney Point, Maryland, and subject to special additional restrictions in the vicinity of that activity, is defined as the entire portion of the lower Potomac River between a line from nun Buoy 4-A off Blakiston Island on a line to Hollis Marsh and a line from Point Lookout, Maryland, to Smith Point, Virginia.

(b) *The regulations.* (1) Firing normally takes place between the hours of 9:00 a. m. and 4:00 p. m. on all days except Saturday and Sunday. During the

national emergency, firing will take place between the hours of 7:30 a. m. and 5:00 p. m. daily except Sunday with frequent night firing.

(2) When firing is in progress, no fishing or oystering vessels will be permitted to operate within the Danger Zone affected, unless so authorized by the Naval Proving Ground's patrol boats. Oyster- ing and fishing boats or other craft may cross the river in the danger zone only after they have reported to the patrol boats and received instructions as to when and where to cross. Deep draft vessels using dredged channels and pro- pelled by mechanical power at a speed greater than five miles per hour, may proceed directly through the danger zones without restriction except when especially notified to the contrary.

(3) These regulations shall be enforced by the Captain of the Port and the Inspector of Ordnance in Charge at the United States Naval Proving Ground through such officers, enlisted men and employees of that Station as may be designated, including always the Com- manding Officer of the range patrol, us- ing all such Government vessels, planes, and other suitable equipment as may be necessary. These agencies shall fly or expose a square red flag in clearing a danger zone.

§ 6.5-5 Naval firing range southwest of Tangier Island, Virginia—(a) *The danger zone.* The firing range, which constitutes a danger zone, is located east and north of the mouth of the Rappa- hnock River, Virginia, and southwest of Tangier Island, Virginia. It covers a water area of approximately 218 square miles; has a maximum length of 33,800 yards (20 nautical miles) and maximum width of 23,500 yards (11.6 nautical miles); and is defined by six (6) points with geographic positions as follows:

Point	Latitude	Longi- tude	Reference location
A	37°47'	75°58'	7,100 yards 27°30' true from Watts Island Light.
B	37°43.7'	75°55.5'	1,150 yards 27°23' true from Bell Buoy "2A".
C	37°27'	76°02.8'	15,650 yards 62°30' true from Wolf Trap Light.
D	37°27'	76°10'	7,600 yards 17°30' true from Wolf Trap Light.
E	37°47'	76°10'	1,100 yards 0° true from Bell Buoy 12 TL.
F	37°44.5'	76°00.5'	Nun Buoy N2.

(b) *The regulations.* (1) Any vessel propelled by mechanical or sail power at a speed greater than 5 miles per hour may proceed through the area defined to and from points beyond, but not from one point to another point within, the area without restriction except when especially notified to the contrary.

(2) All vessels, other than Naval craft, are forbidden to anchor within the area defined except in cases of great emer- gency. All vessels anchoring under cir- cumstances of great emergency within the area shall leave the area immediately after the emergency ceases, or upon no- tification by the officials and personnel charged with enforcement of these reg- ulations.

(3) Fishing, oystering, clamming, crabbing and other aquatic activities are forbidden within the limits of the de- fined area, except that existing fishing structures licensed by the State of Vir- ginia may be maintained and operated provided the owners thereof obtain written permits from the Commandant, Fifth Naval District, Naval Operating Base, Norfolk, Virginia.

(4) Day and night firing over the range will be conducted intermittently by one or more vessels, depending on weather and operating schedules.

(5) When firing is in progress, ade- quate patrol by Naval and Coast Guard craft will be exercised to prevent ves- sels from entering and crossing the area defined until such times as the firing schedule permits.

(6) These rules and regulations shall be enforced by the Captain of the Port and the Commandant, Fifth Naval Dis- trict, Norfolk, Virginia, through such of- ficers and personnel as may be assigned thereto.

§ 6.3-3 Waters of Lake Ontario; Aerial Ground Firing Range—(a) *The danger zone.* The aerial ground firing range is 3,000 feet square, described as follows: Commencing at a point 3,400 feet easterly of the mouth of the Niagara River (considered as the intersection of a line joining the shoreline on either side of river with the International Boundary line) and extending 3,000 feet along the shore to the easterly limit of the Fort Niagara Military Reservation; thence northerly (lakeward) 3,000 feet, azimuth 340°, at right angles to the shore; thence westerly 3,000 feet, azi- muth 250°, thence southerly (shoreward) 2,000 feet, azimuth 160°, to the point of beginning. All azimuths given being true azimuths.

(b) *The regulations.* (1) Vessels and small craft are prohibited from enter- ing the restricted area at all times; and no pound net, staked gill net or fyke net or any other type of net fastened by means of poles, stakes, weights or anchors shall be set therein.

(2) These regulations shall be enforced by the Captain of the Port, United States Coast Guard, through such officers and enlisted men as may be designated, including the officer in charge of the range patrol, using all such agencies as Government vessels, airplanes, sea- planes and other suitable equipment as may be necessary.

§ 6.13-10 Vicinity of Annette Island, Alaska; restricted area—(a) *Restricted area.* Starting at Village Point on the south side of Port Chester, Annette Is- land, Alaska, thence westerly to Warburton Island, thence south 15° west for 6.4 nautical miles, thence south 20° east for 7.4 nautical miles to a point about 1.2 miles southwesterly from the southern point of Percy Islands, thence north 50° east to the southeastern end of Werlick Island, thence to Snipe Island, thence to Annette Point, Annette Island.

(b) *The regulations.* No vessel shall enter these waters except upon the ex- press and prior approval of the District Coast Guard Officer, Alaskan Sector, 13th Naval District, Ketchikan, or the Com-

manding Officer, Annette Island Landing Field. Vessels granted such authority for movement to Tamgas Harbor or any other part of the restricted area will clear through the Coast Guard upon departing from Ketchikan.

FRANK KNOX,
Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT,
The White House,
October 19, 1942.

[F. R. Doc. 42-10659; Filed, October 22, 1942;
11:17 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 306—GENERAL AGENTS & AGENTS

COMPENSATION OF AGENTS; AMENDMENTS

Amending and supplementing §§ 306.7 and 306.8 and amending § 306.9 of General Order No. 12, Part I—Dry Cargo Vessels, as follows:

Strike out paragraphs (a) and (d) of § 306.7 *Compensation of agents in continental United States ports*¹ and insert in lieu thereof the following:

§ 306.7 *Compensation of agents in continental United States ports.* (a) $\frac{1}{2}\frac{1}{2}$ ¢ per handled ton for all Army and Navy cargo outward or homeward where the cargo is handled by the Army or Navy and the agent is not required to check the details of the cargo handled: *Provided further*, Where the vessel handles a full cargo and the detail of the tonnage handled is not made available by the Army or Navy to the agent, the agent shall receive a fee of \$250.00. 15¢ per handled ton outward and $1\frac{1}{2}$ ¢ per handled ton homeward and way for Army and Navy cargo shipped under standard form of Government bill of lading as required under Traffic Regulation No. 3, issued September 9, 1942, and when not coming within the preceding provisions hereof.

(d) 25¢ per handled ton for all other cargoes outward and 20¢ per handled ton for all other homeward or way cargoes, not falling within paragraphs (a), (b) and (c). (The Administrator reserves the right to determine the reasonableness of commercial rates on bulk and other cargoes, from the effective date of this order.)

and add the following paragraph (e):

(e) $2\frac{1}{2}$ % of the vessel's revenue on outward ad valorem cargo and mail, and $1\frac{1}{2}$ % of the vessel's revenue on homeward and way ad valorem cargo and mail.

Strike out paragraphs (a) and (c) of § 306.8 *Compensation of agents at ports outside of continental United States*¹ of General Order No. 12 and insert in lieu thereof the following:

¹ 7 F.R. 6584.

§ 306.8 *Compensation of agents at ports outside of continental United States.* (a) $2\frac{1}{2}$ ¢ per handled ton for all Army and Navy cargo outward or homeward where the cargo is handled by the Army or Navy and the agent is not required to check the details of the cargo handled: *Provided further*, Where the vessel handles a full cargo and the detail of the tonnage handled is not made available by the Army or Navy to the agent, the agent shall receive a fee of \$250.00. 15¢ per handled ton outward and $1\frac{1}{2}$ ¢ per handled ton homeward and way for Army and Navy cargo shipped under standard form of Government bill of lading as required under Traffic Regulation No. 3, issued September 9, 1942, and when not coming within the preceding provisions hereof.

(b) * * *

(c) 10¢ per handled ton for outward or homeward cargo shipped for Lend-Lease account.

(d) * * *

and add the following paragraph (e):

(e) $2\frac{1}{2}$ % of the vessel's revenue on outward ad valorem cargo and mail, and $1\frac{1}{2}$ % of the vessel's revenue on homeward and way ad valorem cargo and mail.

Amending § 306.9 *Compensation of general agents*¹ by striking out the first part of paragraph (a) *Basic scale* and substituting in lieu thereof the following:

§ 306.9 *Compensation of general agents*—(a) *Basic scale.* For each calendar month or prorata thereof beginning with the month in which the first vessel subject hereto is delivered to the general agent and ending with the calendar month or prorata thereof (part days shall count as whole days) in which the last vessel subject hereto is redelivered by the General Agent, the basic compensation, computed on the basis of payable tons of the vessels handled during each such month, shall be calculated in accordance with the following scale:

[SEAL]

E. S. LAND,
Administrator.

OCTOBER 21, 1942.

[F. R. Doc. 42-10637; Filed, October 22, 1942;
9:34 a. m.]

Notices

WAR DEPARTMENT.

PRIORITIES FOR AIR TRANSPORTATION

UTILIZATION OF CIVIL AIR CARRIER SERVICE

Paragraph 6 of notice published in the FEDERAL REGISTER July 24, 1942 (7 F.R. 5682), relating to priorities for air transportation is hereby amended to read as follows:

* * * * *

6. In order to provide for the most effective utilization of such civil air carrier services, facilities, and personnel, all agencies of the War Department desiring

to utilize such air carrier services, facilities, or personnel, other than the utilization of scheduled air services, will coordinate requests therefor with the Commanding General, Army Air Forces, and such requests will be subject to his approval as to the availability of such services, facilities, or personnel.

(Sec. 1, 39 Stat. 645; 10 U.S.C. 1361)
[Cir. 211, W.D., July 1, 1942, as amended
by Cir. 343, W.D., October 13, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10638; Filed, October 22, 1942;
9:40 a. m.]

[Public Proclamation No. 13]

ENEMY ALIENS SUBJECT TO TRAVEL REGULATIONS

OCTOBER 19, 1942.

Headquarters Western Defense Command and Fourth Army, Presidio of San Francisco, California.

To: The people within the States of Washington, Oregon, California, Montana, Idaho, Nevada, Utah, and Arizona, and the Public Generally:

I. J. L. DeWitt, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General, Western Defense Command, in view of the revision in Presidential regulations governing certain alien enemies, in order to establish uniformity as to those classes of persons now generally subject to travel regulations, do hereby declare that:

1. On and after October 19, 1942, the following persons are exempt from the provisions of paragraph 5 of Public Proclamations Numbers 1¹ and 2², this headquarters, dated March 2 and March 16, 1942, respectively, and from the provisions of Public Proclamation No. 3 this headquarters, dated March 24, 1942:

a. All citizens or subjects of Italy and all aliens who at present are stateless but who at the time at which they became stateless were citizens or subjects of Italy.

b. Aliens of enemy nationalities during their term of military service in the armed forces of the United States.

2. No such persons are required to comply with the provisions of Proclamation No. 5, this headquarters, dated March 30, 1942, relating to the submission of applications for exemptions from curfew and travel regulations.

[SEAL]

J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10642; Filed, October 22, 1942;
9:44 a. m.]

¹ 7 F.R. 2320.

² 7 F.R. 2405.

CIVIL AERONAUTICS BOARD.

[Docket No. SA-78]

INVESTIGATION OF ACCIDENT NEAR JOLIET, ILL.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 37910 which occurred near Joliet, Illinois on October 18, 1942.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Saturday, October 24, 1942, at 9:30 A. M. (CWT) in the Morrison Hotel, Chicago, Illinois.

Dated at Washington, D. C., Wednesday, October 21, 1942.

[SEAL] W. K. ANDREWS, Jr.,
Presiding Officer.

[F. R. Doc. 42-10641; Filed, October 22, 1942;
9:44 a. m.]

Station WCSH, 157 High Street, Portland, Maine.

Dated at Washington, D. C., October 20, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10644; Filed, October 22, 1942;
10:11 a. m.]

WFLA, Lafayette and Morgan Streets, Tampa, Florida.

Dated at Washington, D. C., October 20, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10643; Filed, October 22, 1942;
10:11 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5802]

ARKANSAS POWER & LIGHT COMPANY, ET AL.

ORDER FIXING DATE OF HEARING

OCTOBER 20, 1942.

In the matter of Arkansas Power & Light Company, Kansas Gas and Electric Company, Louisiana Power & Light Company, Mississippi Power & Light Company, Nebraska Power Company, Oklahoma Gas and Electric Company, Public Service Company of Oklahoma, Southwestern Gas & Electric Company, Southwestern Light and Power Company, and Texas Power & Light Company.

It appearing to the Commission that:

(a) On September 1, 1942, the Commission entered an order instituting an investigation to determine whether any rate, charge or classification demanded, observed, charged or collected by Arkansas Power & Light Company, Kansas Gas and Electric Company, Louisiana Power & Light Company, Mississippi Power & Light Company, Nebraska Power Company, Oklahoma Gas and Electric Company, Public Service Company of Oklahoma, Southwestern Gas & Electric Company, Southwestern Light and Power Company, and Texas Power & Light Company for the transmission or sale of electric energy under Arkansas Power & Light Company Rate Schedule FPC No. 12 and Supplement No. 1 thereto, subject to the jurisdiction of the Commission, or whether any rule, regulation, practice, or contract affecting such rate, charge or classification, is unjust, unreasonable, unduly discriminatory, or preferential;

(b) The said order of September 1, 1942, provided further, that if the Commission, after hearing has been had, shall find that any such rates, charges, classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force;

(c) The investigation conducted by the Commission's staff, pursuant to such order of investigation, discloses conditions, facts and circumstances which warrant a public hearing with respect to the matters set forth in paragraphs (a) and (b) hereof;

The Commission orders, That:

A public hearing be held with respect to the matters under investigation, commencing on November 2, 1942, at 10 a. m., in Room 521, the Federal Building, Little

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6443]

CONGRESS SQUARE HOTEL CO.

NOTICE OF HEARING, ETC.

In re application of Congress Square Hotel Company (WCSH), dated April 24, 1942, for construction permit; class of service, broadcast; class of station, broadcast; location, Portland, Maine; operating assignment specified: Frequency, 970 kc.; power, 5 kw. (DA—night and day); hours of operation, unlimited.

You are hereby notified that the Commission on October 6, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Congress Square Hotel Company, Radio

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.

2. To determine the extent of any interference which would result from a simultaneous operation of Station WFLA as proposed and Station XEO, Matamoros, Mexico (Appendix II, Table I of the North American Regional Broadcasting Agreement).

3. To determine the areas and population which would gain primary service from operation of Station WFLA as proposed, and what other broadcast services are available to these areas and populations.

4. To determine whether the proposed radiating system complies with the Standards of Good Engineering Practice, particularly with reference to the minimum height requirements.

5. To determine whether in view of the foregoing the granting of the application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: The Tribune Company, Radio Station

Rock, Arkansas, and continuing thereafter at such times and places as the presiding Trial Examiner may designate.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F.R. Doc. 42-10663; Filed, October 22, 1942;
11:29 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 117]

128,164 POUNDS OF STEEL OWNED BY CANTIERI RIUNITI DELL'ADRIATICO

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095 as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

128,164 pounds of steel owned by Cantieri Riuniti dell'Adriatico, an Italian corporation, Trieste, Italy, which is stored in freight cars in the New Jersey Freight Yards, as follows:

(a) Car No. CNJ-85197 containing 4 pieces or 17 bundles of steel bars weighing 37,764 pounds, and

(b) Car No. B&O 253659 containing 393 pieces or 12 bundles of steel bars weighing 90,400 pounds,

is property within the United States owned by a national of a designated enemy country (Italy), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

¹ 7 F.R. 5205.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on August 25, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 42-10647; Filed, October 22, 1942;
11:04 a. m.]

[Vesting Order 147]

18.113% OF THE CAPITAL STOCK OF TAIYO TRADING COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Name and last known address	Number of shares
Mitsuiro Ito, Japan	113
Eikichi Umemura, Nagoya, Japan	53
Nobuo Masuda, Nagoya, Japan	40
Konji Nunome, Japan (by [*] repatriation)	11
Total	217

is property of nationals, and represents an interest in said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 17, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 42-10648; Filed, October 22, 1942;
11:04 a. m.]

[Vesting Order 156]

ALL THE CAPITAL STOCK OF GUNZE SILK CORPORATION

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Names and last known addresses	Class A stock	Class B stock
Gunze Silk Corporation, Ltd., Kobe, Japan	5,800	5,800
Gunze Seishi Kabushiki Kaisha (Gunze Raw Silk Mfg. Co., Ltd.) Ayabe, Kyoto-Fu, Kobe, Japan and Yokohama, Japan	14,126	10,830
Rinichi Hatano, Ayabe, Kyoto, Japan	74	3,074
Daisaku Hayashi, Ayabe, Kyoto, Japan		
Ichiro Haratani, Ayabe, Kyoto, Japan		74
Ono Kurazo, Ayabe, Kyoto, Japan		74
Shikataro Okumura, Ayabe, Kyoto, Japan		74
Shineki Shirahashi, Ayabe, Kyoto, Japan		74
Total shares outstanding	20,000	20,000

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Japan) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

FEDERAL REGISTER, Friday, October 23, 1942

dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 21, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10649; Filed, October 22, 1942;
11:04 a. m.]

[Vesting Order 160]

ALL OF THE CAPITAL STOCK OF SCHENKER & COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Schenker & Company, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 250 shares of capital stock, which shares are registered in the name of Johann P. Van Dijk, a Netherlands national residing in Holland, and which shares are held by William F. Topken, attorney, New York, New York, as custodian for the benefit of Schenker & Company, Berlin, Germany.

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and

taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 22, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10650; Filed, October 22, 1942;
11:04 a. m.]

[Vesting Order 161]

CAPITAL STOCK OF DRAEGER SHIPPING COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Draeger Shipping Company, Inc., a New York corporation, which is a business enterprise within the United States, consisting of 1,000 shares of \$100 par value common capital stock which shares are registered in the name of Frederick Draeger, New York, New York, who holds them for the benefit of Schenker & Company, Berlin, Germany.

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that such

persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 22, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10651; Filed, October 22, 1942;
11:05 a. m.]

[Vesting Order 166]

80% OF OUTSTANDING CAPITAL STOCK OF JUNGMANN & COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

240 shares of common capital stock of Jungmann & Company, Inc., a Delaware corporation, which is a business enterprise within the United States, which shares are registered in the name of Paul Gutschow, New York, New York, and held for the benefit of Helmuth Voss, whose last known address is Hamburg, Germany.

is property of, and represents control of a business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the afore-

said designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 24, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10652; Filed, October 22, 1942;
11:05 a. m.]

[Vesting Order 177]

**ALL OF THE CAPITAL STOCK OF EMPIRE
IMPORT AND EXPORT CORPORATION**

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Empire Import and Export Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 100 shares of no par value common capital stock, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Name and last known address	Number of shares
Katsuji Onishi (alien detention camp) - Charles Cornelius Drew, New York, New York, holding for the benefit of Katsuji Onishi (alien detention camp)	50
Total	100

¹ 7 F.R. 5205.

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10653; Filed, October 22, 1942;
11:05 a. m.]

[Vesting Order 182]

**ASSETS OF "ITALIA" SOCIETA ANONIMA DI
NAVIGAZIONE**

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, "Italia" Societa Anonima di Navigazione (Italian Line), an Italian corporation, Genoa, Italy, which corporation is a business enterprise within the United States, including but not limited to all property of any or all of its six American branches located at New York, New York; Boston, Massachusetts; Chi-

cago, Illinois; Philadelphia, Pennsylvania; Los Angeles, California; and San Francisco, California;

is property of nationals, and that said business enterprise is a national, of a designated enemy country (Italy), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Italy) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10654; Filed, October 22, 1942;
11:05 a. m.]

[Vesting Order 190]

**ALL OF THE CAPITAL STOCK OF JAPAN
COTTON & SILK TRADING CO., INC.**

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Japan Cotton & Silk Trading Co., Inc., a New York corporation, which is a business enterprise within

FEDERAL REGISTER, Friday, October 23, 1942

the United States, consisting of 5,000 shares of \$100 par value common capital stock, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Name and last known address	Number of shares
Kunitaro Taketomi, Osaka, Japan	700
Seiichi Segawa, Osaka, Japan	650
Shigemitsu Tanaka, Yokohama, Japan	600
Tokuo Tanaka, Osaka, Japan	500
Masami Toyobe, Yokohama, Japan	500
Iwao Yamanaka, Osaka, Japan	450
Tomokichi Onoda, Shanghai, China	450
Sachio Nakao, Osaka, Japan	350
Wasaburo Uenmura, Osaka, Japan	300
Usaburo Miyagi, Osaka, Japan	500
Total	5,000

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10655; Filed, October 22, 1942;
11:06 a. m.]

[Vesting Order 223]

36.3% OF CAPITAL STOCK OF AMERICAN MAGNESIUM METALS CORPORATION

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

5,386 shares (which constitute a substantial part, namely 36.3%, of all outstanding shares) of the capital stock of American Magnesium Metals Corporation, a Delaware corporation, Pittsburgh, Pennsylvania, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number and class of shares owned by them respectively, are as follows:

Names and last known addresses	Number of shares	
	Common stock	7 percent cumulative preferred stock
Estate of Dr. Konrad Erdmann, Munich, Germany, the only known heir of said estate being Mrs. Konrad Erdmann, a German national	2,000	
Dr. Fritz Hansgirg (alien detention camp)	1,500	
Austrian Magnesite Company, Ltd., Munich, Germany		1,886
Total	3,500	1,886

is property of nationals, and represents an interest in said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 9, 1942.

[SEAL] L. T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10656; Filed, October 22, 1942;
11:06 a. m.]

[Vesting Order 247]

CERTAIN INDEBTEDNESS OWING BY BUFFALO ELECTRO-CHEMICAL COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Elektrochemische Werke Muenchen, Hoellriegelskreuth, Germany, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by Buffalo Electro-Chemical Company, Inc., a New York Corporation, Buffalo, New York, which is a business enterprise within the United States, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in said Buffalo Electro-Chemical Company, Inc. (which was found in Vesting Order Number 191 issued under date of September 28, 1942, to be a national of a designated enemy country (Germany)) held by, and is property within the United States owned by, a national of a designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10657: Filed, October 22, 1942;
11:06 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-614]

ELECTRIC BOND AND SHARE COMPANY, ET AL. NOTICE OF FILING AND ORDER FOR HEARING

In the matter of Electric Bond and Share Company, American & Foreign Power Company, Inc., Ebasco Services Incorporated.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of October, A. D. 1942.

Notice is hereby given that a joint declaration or application (or both) has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Bond and Share Company (hereinafter referred to as "Bond and Share"), a registered holding company, and its subsidiaries, American & Foreign Power Company, Inc., (hereinafter referred to as "Foreign Power"), a registered holding company, and Ebasco Services Incorporated (hereinafter referred to as "Ebasco").

Ebasco is a wholly-owned subsidiary service corporation of Bond and Share, rendering services to associate companies, both domestic and foreign, through the media of its separate corporate divisions, the United States division and the international division, respectively. The foreign companies for which services are rendered by the international division are subsidiaries of Foreign Power.

All interested persons are referred to the application or declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

(1) The transfer by Ebasco to Ebasco International Corporation (an inactive

subsidiary of Foreign Power, the capital stock of which was acquired from Ebasco on September 16, 1942; hereinafter referred to as International) of all the properties and assets, including cash, employed by the international division of Ebasco in rendering services to client companies operating outside the United States, in consideration of the payment to Ebasco of \$400,000 and the assumption by International of all the liabilities whether contractual or otherwise, including reserves, arising out of or in connection with the operations of said international division of Ebasco subsequent to November 30, 1939. The assets to be acquired include all existing service contracts with foreign operating companies, office furniture and miscellaneous equipment, and all the capital stock of Companhia Auxiliar de Empresas Electricas Brasileiras (an Ebasco subsidiary rendering services in Brazil), accounts receivable and certain prepayments.

(2) Foreign Power is to purchase from International an additional 1,990 shares of its capital stock of \$199,000 and to advance to it on open account the sum of \$199,576.49 in order to provide International with the cash required by it for its purchases from Ebasco.

(3) Ebasco is to reacquire 4,000 shares of its capital stock from Bond and Share for a total consideration of \$400,000 in cash which said shares will be cancelled and the capital stock of Ebasco reduced to that extent.

The applicants and declarants state that the proposed transactions are exempt from the provisions and standards of the Act by virtue of the provisions of the Order of this Commission, dated December 20, 1939, In the Matter of American & Foreign Power Company, Inc. (File No. 31-360), except that section 12 (f) is designated as applicable to the transfer by Ebasco to International of the property and assets now employed by the international division of Ebasco; and that section 12 (c) and 12 (f) are designated as applicable to the acquisition by Ebasco from Bond and Share and the sale by Bond and Share of 4,000 shares of the outstanding capital stock of Ebasco.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on November 9, 1942 at 10:00 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the Hearing Room Clerk. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to Ebasco

International Corporation, and to all interested persons, said notice to be given to said declarants and applicants and Ebasco International Corporation by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before November 2, 1942, his request or application therefor as provided by Rule XVII of the Rules of Practice of this Commission.

It is ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above mentioned. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration or application (or both), particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the consideration for the transfer of the international division from Ebasco to International is fair and equitable to the parties affected thereby, and consonant with the provisions of the Act.

(2) Whether it is necessary or appropriate in the public interest or for the protection of investors and consumers that International be exempt from the standards of section 13 (b) of the Act.

(3) Whether the consideration for the transfer of the 4,000 shares of capital stock of Ebasco from Bond and Share to Ebasco is fair and equitable to the parties affected thereby, and is consonant with the provisions of the Act.

(4) Whether the impact upon Ebasco of the proposed transfer of the international division from Ebasco to International will be such as to impair its ability to continue its domestic servicing activities, or will be detrimental to the public interest or the interest of investors or consumers.

(5) Whether the investment to be made by Foreign Power in International is in conformity with the standards and provisions of the Act.

(6) Whether in any other respect the proposed transactions are detrimental to the public interest or the interest of investors or consumers, or will tend to circumvent the provisions of the Act, or the rules, regulations, or orders thereunder.

(7) Whether terms and conditions are necessary or appropriate in the public interest or for the protection of investors and consumers, or are necessary to insure compliance with the Act and the rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 42-10645: Filed, October 22, 1942;
11:12 a. m.]

FEDERAL REGISTER, Friday, October 23, 1942

[File No. 70-600]

CENTRAL OHIO LIGHT & POWER COMPANY
ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of October, A. D. 1942.

Central Ohio Light & Power Company, a subsidiary of Crescent Public Service Company, a registered holding company, having filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and the Order of the Commission dated February 19, 1941, File No. 70-228, with respect to the declaration and payment of dividends in the aggregate amount of \$20,000 to the holders of its common stock in October, 1942; and

Said declaration having been filed on September 14, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having considered the declaration and it appearing that the payment of dividends as proposed will not be detrimental to the public interest or the interests of investors or consumers;

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 and to the additional terms and conditions set forth in the Order aforesaid dated

February 19, 1941, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBois,
Secretary.

[F. R. Doc. 42-10646; Filed, October 22, 1942;
 11:12 a. m.]

WAR MANPOWER COMMISSION.

[Interpretation No. I]

EMPLOYMENT STABILIZATION PLAN
 NON-FERROUS METALS AND LUMBERING
 ACTIVITIES

As used in the Employment Stabilization Plan for Non-Ferrous Metal and Lumbering activities,¹ approved by the Chairman of the War Manpower Commission on September 7, 1942, pursuant to the War Manpower Commission Policy to Prevent Pirating of War Workers:

I. The term "non-ferrous metal, mining, milling, smelting and refining" includes:

(a) All mining, dressing and beneficiating (milling of): Aluminum (including alunite and bauxite ores), antimony, arsenic, beryllium, chrome, cobalt, columbium, copper, lead, magnesium, manganese, mercury, molybdenum, tantalum, tin, titanium, tungsten, uranium, vanadium, zinc, zirconium, and all other non-ferrous metals exclusive of the precious metals;

(b) All removal of overburden, sinking of shafts, and similar services per-

¹ 7 F.R. 7131.

formed preparatory to the mining of the non-ferrous metals specified in paragraph (a) hereof;

(c) All prospecting and exploration activities carried on in accordance with an authorization of or with the aid of a governmental agency, or as a substantial organized and responsible pursuit under a bona fide contract or authorization;

(d) All primary smelting and refining of the non-ferrous metals specified in paragraph (a) hereof.

II. The term "logging and lumbering" includes:

(a) All logging operations carried on in logging camps, irrespective of whether such operations are conducted by logging contractors or whether such logging camps are carried on in combination with the operation of sawmills, pulp mills, or planing mills;

(b) All sawmill operations;

(c) All veneer mill operations, including all activities incident to the production of veneers;

(d) All plywood mill operations, including all activities incident to the production of plywood.

III. The term "production and maintenance occupations" includes all engineering and supervisory occupations required in connection with the production and maintenance occupations in the non-ferrous metal and lumbering activities hereinabove defined.

FRANK J. MC SHERRY,
Director of Operations.

OCTOBER 21, 1942.

[F. R. Doc. 42-10666; Filed, October 22, 1942;
 11:38 a. m.]